SENATE—*Wednesday, October 20, 1999*

The Senate met at 9:32 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

This is Character Counts Week, established by the Senate to build the character of the American people. And today we consider two of the pillars of character: fairness and caring.

Let us pray.

O dear God, in a world where so much seems not fair and in a culture that has become so careless, where people so often are unfair and uncaring to each other, we ask You to give us more love, self-sacrifice, and more likeness of You so that we may do battle with anything that denies fairness or caring of people who are cherished by You. May our fairness and caring go beyond a cautious give and take. Teach us to sacrifice our own comfort to comfort others, our own preferences to give others a sense of what is good for them. Make us fair in thought, kindly in attitude, gentle in word, generous in deed. Remind us that it is better to give than to receive, to forget ourselves than to put ourselves first, to serve rather than expect to be served.

O dear God, help us care for our Nation and its future. May the Senators' caring for every phase of our society be an example to the American people. May there be a great crusade of caring and fairness, beginning right here and spreading across this land. May children see from their parents and from these leaders that caring and fairness are not only crucial but are the crux of our civilization. Dear God, make us courageous, caring, and fair people, for You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. SANTORUM. I thank the Chair.

SCHEDULE

Mr. SANTORUM. Mr. President, today the Senate will immediately resume debate on the motion to proceed to the partial-birth abortion bill. There will be 20 minutes of debate with a vote to occur at approximately 9:50 a.m. It is anticipated the motion will be adopted, and therefore debate on the bill will continue throughout the day. It is the hope of the majority leader that an agreement can be reached with regard to amendments so the bill can be completed by the close of business tomorrow. The Senate may consider any conference reports available for action. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, leadership time is reserved.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume debate on the motion to proceed to S. 1692, which the clerk will report by title.

The bill clerk read as follows:

Motion to proceed to the consideration of S. 1692, a bill to amend title 18, United Sates Code, to ban partial-birth abortions.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes for debate equally divided and controlled between the majority and minority leaders.

The Senator from Pennsylvania is now recognized.

Mr. SANTORUM. I thank the Chair.

Mr. President, we will be voting on a motion to proceed to a bill that we have brought up in the Senate now for the third session of the Senate, third Congress in a row. I do not believe there is much controversy with respect to considering this bill. Obviously, this bill is going to pass, and it is going to pass by an overwhelming vote.

The concern that was voiced last night, and I think will be voiced today, is that we are moving off campaign finance reform to the partial-birth abortion bill. I am hopeful we can recognize that we had a good debate on campaign finance reform; amendments were offered; there were several days for those amendments to be offered; and it is apparent there is not enough votes to overcome cloture, to break a filibuster, if in fact that was going to be called for, and that it is time to move on to other business, whether it is partial birth or bankruptcy or appropriations bills and the like, and that a week, almost a week-long debate on the issue of campaign finance reform was, in fact, sufficient.

We know where the votes are going to come out. I don't think anyone is going to be changed by further debate and further amendments. It is time to move on to the other business at hand. I hope we can have some sort of comity here that would allow the business to continue. I think that would be good for all of us, particularly those of us who would not like to be here through the holidays for a long period of time, who would like to get back home after we finish our business to spend some time with our constituents in our States.

So, again, I think a fair debate was had, the votes are clear, and further debate will do nothing other than take up the time of the Senate and delay action on important matters that we have to get to before we adjourn for the end of the year.

So with that, I am hopeful my colleagues, frankly, on both sides of the aisle will support moving off campaign finance reform.

With that, I reserve the remainder of my time.

Mr. LEVIN. Mr. President, do I understand there are 10 minutes for this side?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. The majority leader has authorized me to allocate time to myself. I yield to myself 4 minutes.

A majority of the House and a majority in the Senate support campaign finance reform. It was clearly indicated yesterday that we have a majority in favor of campaign finance reform. A minority of the Senate is not in favor of campaign finance reform, and they have decided to try to block the will of the majority, which is their right. They can filibuster this legislation to which they are so strongly opposed, and I defend their right to oppose this legislation with all their might, although I disagree with them with all my might.

The supporters of campaign finance reform have every right to try to pass the bill. That means we have every right to not agree to withdraw campaign finance reform legislation just because we didn't get cloture on the first, second, or third vote. It took four votes to get civil rights legislation passed in the late 1960s and 7 weeks to get that legislation passed. It wouldn't have passed had the supporters of civil rights legislation, after they did not get the necessary votes to adopt cloture the first time, backed off from their cause.

We, the supporters of campaign finance reform, are just as passionately in support of closing the soft money loophole as the opponents are passionate in their opposition. We do not need to withdraw as long as we are in the majority. We don't have to go quietly into that good night after a failed cloture vote.

This vote we are about to take on a motion to proceed to another item of business, this motion to end the Senate's consideration of campaign finance reform in the face of a filibuster by the opposition, is the vote that really counts on campaign finance reform. This is the moment of truth. A cloture vote simply decided that we did not succeed in breaking the filibuster. Today the majority will decide whether to give in to that filibuster. That is what this vote is about, whether or not a majority of this Senate which favors closing the campaign loopholes in the law that are supposed to put limits on how much a person can contribute to a campaign or candidate, gives in to a filibuster, whether those laws which have been so totally undermined by the soft money loophole, in effect, will be restored to good health. That is the decision we are going to make.

This is the vote that tests the determination of supporters of campaign finance reform against the determination of the opponents—whether the majority which went on record yesterday as favoring campaign finance reform will say we are going to give up our cause for whatever length of time because we haven't gotten 60 votes yet. We would not have had civil rights legislation if that were the position taken by the supporters of civil rights—8 long weeks on just one of the civil rights bills in the 1960s and four cloture votes, which finally, with the help of a bipartisan group, were able to take them over the finish line.

Yes, the opponents have a right to filibuster, a right to tie up the Senate. However, we in the majority on campaign finance reform do not have to back down. This is the vote that counts: Whether we in the majority agree we will move to something else or whether we will say to the filibusters they may do what they are doing under our rules and we will defend that right, but we need not and will not back down to that filibuster.

I yield the floor.

Mr. FEINGOLD. Mr. President, how much time remains on the Democratic leader's time?

The PRESIDING OFFICER. Six minutes.

Mr. FEINGOLD. Mr. President, I ask I be yielded such time as I shall consume.

I especially thank the Senator from Michigan for his great determination on this issue. I am certainly going to join him on this.

I will vote ''no'' on the motion to proceed in a few minutes, but it is not because I oppose moving to the late-term abortion bill at this time. Supporters of campaign finance reform are prepared to move that bill by consent, which keeps the campaign finance bill as the pending business of the Senate—that is all we are trying to do—and thereby allows the Senate to return to it once the late-term abortion bill is completed.

This vote we are going to have in a few minutes is not about whether we will debate late-term abortion. Everybody here is prepared to do that. It is about whether we will keep working on the campaign finance bill after a short hiatus to do other business.

I want to be clear: Senator MCCAIN and I are ready to move forward in debating our bill. I thought we had an exciting series of votes yesterday, the upshot of which is, we have three new supporters of reform. We need to keep up the pressure for reform. We did not have adequate time on the floor to do that. The majority leader promised on the record 5 days of debate. We had 4 days, and 1 of the days was yesterday when all we did was vote on cloture.

I say to my Republican colleagues who say they want the chance to offer amendments, now that we have had those two cloture votes, we can do that. There is every opportunity now to offer amendments. There are a variety of ways to clear places on the amendment tree so the debate can proceed and we can see if we can work something out and actually pass the bill.

I appreciate the candor of the Senator from Pennsylvania, who just said, as I understand it, we had a fair debate. This is not what some of the other Republicans said. He also indicated there had been an opportunity to offer amendments. That is what the Senator said. That is the opposite of what many of the opponents of reform said. Which is it? Was there an opportunity to offer amendments or not? Maybe it is an academic debate at this point. It is a very interesting difference in the way the last few days have been characterized.

What really counts is that amendments can be offered right now. If there is any Senator out there who is saying he has not had that chance to offer amendments, they should vote to have the Senate continue on the campaign finance reform bill and come down and offer an amendment. Now is not the time to put campaign finance reform back on the calendar, which in this case means the back burner. It is time to come together and work to find a consensus.

Whatever different spin is put on this issue, the bottom line is this: The soft money system is wrong and it must be ended. Mr. President, 55 Members of this body have now voted for reform. The time has come to finish the job.

I urge my colleagues to vote ''no'' on this motion to proceed and help the Senate take a step toward doing that.

I suggest the absence of a quorum and ask the time be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. 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. SANTORUM. Mr. President, again I ask my colleagues to join with me in voting to move to proceed to the Partial-Birth Abortion Ban Act. It is a bill that is important business. It is something that has overwhelming support in the Senate. I hope we can move to this issue.

If there is a need to debate campaign finance reform in the future, then that is a matter for the leaders to work out, whether we want to come back to that issue. I think we have spent enough time on this bill. It is very clear where this issue is going. At least the issues of McCain-Feingold and Shays-Meehan do not have the necessary votes to pass in this Senate. Maybe there are other kinds of campaign finance that could, and maybe we could use this time over the next several months to find some middle ground to get a compromise.

We are not there right now. It is time to move on with the business of the Senate and the American people.

I yield the remainder of my time.

Mr. BIDEN. Mr. President, I rise to comment briefly on why I will vote against the motion to proceed to S. 1692, the Partial-Birth Abortion bill. I support this legislation. I have voted for passage of this bill in the past, and I have twice voted to override the President's veto. I think we should take up this bill in the Senate, and I am quite certain we will get to it. Yesterday, in fact, we offered to move to this bill by unanimous agreement and, had that been accepted, we would be on it now.

The problem with this procedural tactic of having a recorded vote on this motion is that it ends the Senate's work on campaign finance reform, and we are not finished with that bill yet. We started debating campaign finance reform last week, and we have a chance to make some genuine improvements in American politics. We should finish what we have started.

Mr. MCCAIN. Mr. President, I intend to vote against the motion to proceed to S. 1692, legislation to ban partial birth abortions.

This is an unnecessary parliamentary maneuver designed solely to displace S. 1593, the campaign finance reform bill, from the floor. A unanimous-consent agreement was offered, with no known opposition, to temporarily lay aside

the campaign finance reform bill so that the Senate could consider the partial birth abortion ban legislation. Under that procedure, when the Senate finishes its work on the latter bill, we could then return to complete the debate on campaign finance reform. But if this procedural vote is successful, the McCain-Feingold bill will be returned to the Senate calendar, effectively cutting off the debate, well short of the time promised to consider this important issue.

I want to make very clear, my strong support for this bill and my unequivocal and long-standing opposition to the practice of partial birth abortion. I am pro-life and oppose abortion except in the case of rape or incest, or when the life of the mother is in danger. Partial birth abortion is a repugnant procedure and an abomination, which should be outlawed.

I am a cosponsor of this legislation, as I was in previous years. I have voted five times over the past 5 years to ban this repugnant and unnecessary procedure, including two votes to overturn the President's veto of this legislation. When the Senate votes on S. 1692, I will again vote for the ban.

As I stated yesterday, I will not give up the fight to enact meaningful reform of our campaign finance system. If the McCain-Feingold bill is pulled from the floor today, I will return to the Senate floor with amendments on campaign reform this year, next year, and as long as it takes.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 52, nays 48, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—52

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Santorum
Breaux	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Burns	Hatch	Smith (OR)
Byrd	Helms	Specter
Campbell	Hollings	Stevens
Cochran	Hutchinson	Thomas
Coverdell	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Voinovich
DeWine	Lott	Warner
Domenici	Lugar	
Enzi	Mack	

NAYS—48

Akaka	Cleland	Feingold
Baucus	Collins	Feinstein
Bayh	Conrad	Graham
Biden	Daschle	Harkin
Bingaman	Dodd	Hutchison
Boxer	Dorgan	Inouye
Bryan	Durbin	Jeffords
Chafee	Edwards	Johnson
Kennedy	Lincoln	Rockefeller
Kerrey	McCain	Roth
Kerry	Mikulski	Sarbanes
Kohl	Moynihan	Schumer
Lautenberg	Murray	Snowe
Leahy	Reed	Torricelli
Levin	Reid	Wellstone
Lieberman	Robb	Wyden

The motion was agreed to.

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

Mr. COVER DELL. I move to lay that motion on the table.

Mr. LEVIN. 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 the motion to lay on the table the motion to reconsider. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—53

Abraham	Fitzgerald	Mack
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Breaux	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Byrd	Helms	Smith (OR)
Campbell	Hollings	Specter
Cochran	Hutchinson	Stevens
Coverdell	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
DeWine	Landrieu	Voinovich
Domenici	Lott	Warner
Enzi	Lugar	

NAYS—47

Akaka	Feingold	McCain
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Inouye	Reed
Boxer	Jeffords	Reid
Bryan	Johnson	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Roth
Collins	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Lautenberg	Snowe
Dodd	Leahy	Torricelli
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Edwards	Lincoln	

The motion was agreed to.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 1692) to amend Title 18, United States Code, to ban partial-birth abortions.

The Senate proceeded to consider the bill.

Mr. SANTORUM. Mr. President, we now, somewhat belatedly, begin the debate on partial-birth abortion. To review the actions of this body on this issue and the actions of the Congress, this is the third time this bill or some form of this bill has been voted on to pass the Senate. We passed this bill in 1995 and in 1997. Here we are again in 1999. We had two override attempts of the President's veto in 1996 and 1998, and I am fairly sure we will probably have another attempt on a Presidential veto override next year, in the year 2000.

Each time this bill has been voted on, succeeding Congresses picked up votes. In other words, we have gotten closer to the two-thirds necessary, 67 Senators, to override an anticipated Presidential veto. I am hopeful we will continue that trend. We started in 1995 with a vote of 55 or 56 Senators supporting banning this procedure. As of the vote last year, we were up to 64 Senators in this body agreeing this procedure is not necessary. It is, in fact, unhealthy and it is a threat to the health and life of the mother, as well as being a brutal and barbaric procedure.

I am hopeful through the course of this debate we can have a fair debate about this issue. Some have tried to turn this into a broader debate about abortions and view this as just the first shot at Roe v. Wade, an attempt to put a chink in the armor, intimating there is a grand agenda to try to chip away abortion rights that were given by the Supreme Court in Roe v. Wade.

Let me assure my colleagues that is not my intention. This bill is a straightforward piece of legislation that deals with a specific procedure. In fact, I am hopeful we will be able, through an amendment process, to make it even more clear we are referring simply to the procedure known as partial-birth abortion. I will describe what that procedure is in a moment. But there is no such intent here. In fact, one of the reasons we are offering this amendment is because we believe this comports with Roe v. Wade; that this is a constitutional restriction and, in fact, it falls outside the concerns of Roe v. Wade because the baby is outside of the mother. The baby is no longer in the mother's womb.

So decisions have been made in the courts across the country. There have been several State bans that have been held unconstitutional, one that was held constitutional. So my guess is we will continue to see States deal with this issue, courts continue to be all over the map, some saying it is unconstitutional, some saying it is constitutional, until we get, finally, to the Supreme Court and they can look at it. I am confident it is constitutional.

Having said that, we just finished a debate on campaign finance reform where the very Members who stand before the body to say we cannot pass this because it is unconstitutional

voted for campaign finance reform bills that are clearly unconstitutional, clearly in violation of the Supreme Court's edict on allowing unlimited soft money. But they come here and say: We think the Court is wrong and we are going to ban it anyway. This is directly on point with a Supreme Court decision.

In our case, with partial-birth abortion, where the baby is killed in the process of being born, the baby is outside the mother, under Roe v. Wade they let stand a Texas statute that was under appeal under Roe v. Wade prohibiting the killing of a child in the process of being born.

So in a sense we have a case on point in Roe v. Wade that says this kind of thing is, in fact, constitutional. Yet you will hear the arguments, I am sure, at length in the next day or two that we cannot pass this because some courts have said this is unconstitutional. I think at best that is an unclear argument. At worst, I would argue it is clearly constitutional because of the Roe v. Wade decision.

To make that argument the very day—or the day after, now—many of the Members making this argument vote for something that is clearly unconstitutional because they want to send it to the Court and have the Court take another look at it strikes me as a little disingenuous; that you would make one argument one day and do a 180 degree turn and say we cannot pass it because it is unconstitutional when the day before you pass what you know is unconstitutional and you hope the Court will change its mind.

I think now what I want to do is go through briefly what a partial-birth abortion is, how it is performed, when it is performed, who performs it, where it is performed, and why. If I could first start out with a chart that describes the procedure, you can see this is a baby. By the way, that is at least 20 weeks of gestation. During a 40-week gestational period, partial-birth abortions are performed on babies who are at least 20 weeks. So this is a late-term abortion. This is a second- and in some cases a third-trimester abortion. Let me start with how it starts.

First, the mother presents herself to the abortion clinic. The abortionist decides what procedure he or she wants to use to kill the baby. In a small percentage of second- and third-trimester abortions, a partial-birth abortion is used. It is not the most common method of abortion in late trimester. In fact, it is relatively rare. We are not sure of the numbers. The reason we are not sure of the numbers is we have to rely on the abortion industry—which, by the way, opposes this bill—to give us their numbers on how many they say they do. The Federal Government does not keep track of the method of abortion used in the second and third trimester. In fact, they don't keep track of the method of abortion period. So we do not know from any Government statistics or any independent source how many of these abortions are performed. We only can go by what the opponents of this bill tell us is the number.

They originally told us there were just a few hundred. Then a report came out in a paper in northern New Jersey, the Bergen County Record, and they just happened to have a good reporter who thought maybe he would ask his local abortion clinic how many of these abortions were performed. He took the time, as reporters I think would want to do, to find out the accuracy of the story he was reporting. He contacted an abortion clinic in northern New Jersey and the abortion clinic there said they did 1,500 a year at that clinic. Where the national organization said they did 500 nationally, there were 1,500 done at that clinic. The person at the clinic who said they did 1,500 there said they had trained a couple of other abortionists who perform them in New York, in addition to the 1,500 that were done there.

So when I say a small percentage, that is what has been reported to us, again, by the people who oppose this and who realize the more they report the harder it is for them to defend. Because, again, what you hear the President and other advocates of this procedure talk about is this is a rare case—just to protect the mother's health or life, in the case of a severely deformed baby, so it is very rarely done. What we found is that is not the case.

I think it is clear and many have admitted since within the abortion industry, that is just not true. So what we have is a case where we do not know how many are performed but we believe, according to them, it is around 5,000 or more a year. I want to stop right there and pause for a minute. I want everybody to think if we heard about the murder of 5,000 children a year through a procedure or some act of violence—if we heard about 5,000 a year, people would be marching on Congress and saying: How can you let 5, much less 5,000, babies be killed in such a horrific way? But because we put it under the rubric of abortion, it is OK.

What I want to show today, looking at this procedure, is this is not like abortion. This is like infanticide. This is a baby who is all but born and then killed. So I think we need to look at it and have this debate focus on not the issue of abortion because there are plenty, as is evidenced by the numbers, of other procedures available to perform abortions. This is a rogue procedure that is infanticide. That is why Members on both sides of the aisle who are supporters of abortion rights have joined with us because they believe this is a step too far. We have drawn the line in the wrong place. Once the baby is in the process of being born, we have to say: Wait a minute; this baby is now outside of the mother, almost outside of the mother. This is not abortion anymore.

What happens is the mother presents herself to the abortionist and the abortionist decides they would like to do an intact D&E, or a partial-birth abortion. What happens is the abortionist will give the mother pills to dilate the mother's cervix so the abortionist can then perform the abortion. Not immediately; this is a 3-day procedure. The mother comes back in 2 days. On the third day, after she has taken the pills the first day and the second day, she presents herself back to the abortionist with the cervix dilated.

I can get into all the health reasons why this is dangerous and could lead to infections and problems, and what we have seen, not just infections but it can lead to and, in fact, has led to babies being born as a result of the dilation of the cervix. The mothers go into labor and babies are born and born alive. In fact, we have cases in the last few weeks where a baby who was to have been aborted through a partial-birth abortion was born alive and is alive today. By the way, this is a perfectly healthy little girl. So when the argument is these babies wouldn't live or these babies are deformed or it is for the health of the mother, none of this is true. None of this is true.

Now we have cases—in fact, just in the last few weeks, a case where this baby is alive today. Another baby was born alive but not attended to by the abortionist, not attended to. They let the baby die.

Again, the point I am trying to make is, the line is a very important one. You can see from the case where the baby was allowed to die that once we begin to think of this little baby outside the mother as just a disposable item, then we have lost something. We have blurred the line, which I do not think we as a society want to allow to be blurred, about who is protected by our Constitution and our right to life.

Clearly, I hope we all believe that once a baby is born, that baby is entitled to life. Where we draw the line as to when that occurs is significant. That is why many people who are, again, for abortion rights say: Once the baby is outside, I am a little uncomfortable saying you can kill the baby, as well they should.

The mother presents herself, on the third day of the cervix being dilated, to the abortionist. The abortionist uses an ultrasound to examine the mother and guide the abortionist to insert forceps in through the cervix, up into the uterus.

Those of you who have been involved in the birth of children know—we have six children—babies are usually at that age in a head-down position. They move around, but as they go further in

pregnancy, the baby usually has its head in the down position.

They reach up with the forceps and grab the baby by the foot or the leg. Again, this is a 20-week-plus baby. We have plenty of documentation that this has gone on at 22, 23, 24, 25, 26, and even older—but rare as it gets older, I admit that. This is a fully developed baby that would otherwise, if delivered at this week of gestation, be born alive.

They take the baby and grab the leg with the forceps. Then they turn the baby around in the uterus. Many of you are familiar with the term ''breech birth.'' When you present yourself for delivery of a baby and you are told your baby is in a breech position, bells and whistles go off. Obstetricians get very nervous because there are a lot of difficulties with delivering a baby in a breech position. There are a lot of complications, obviously for the baby, but also for the mother. To deliberately turn a baby into a breech position, by common sense, endangers the mother. Obviously, in abortion it dramatically endangers the baby.

They take the leg, and they pull the baby feet first out of the uterus through the birth canal. All of the baby is delivered except for the head. The entire baby is outside the mother with the exception of the baby's head. Again, we get back to the question, Is this an abortion or is this infanticide?

The reason this debate is so crucial is that it is where worlds intersect. It is the line we are going to draw. There are a lot of people who are for abortion rights who say: Look, the line is, the baby is inside the mother; the mother can abort the baby, period. And they say: But yes, obviously, when the baby is outside the mother, you cannot kill the baby.

This is where the worlds intersect because we have a situation where the baby is almost outside the mother. This baby would be born alive because this procedure occurs after 20 weeks. What the abortionist does is deliver the baby, all but the head. Why? Because the head is the largest part of the body at that age, so the most difficult to deliver.

There is also some question that if the baby comes out head first and once the head is delivered, will the Constitution treat it differently, if the head comes out first as opposed to the feet coming out first? Some have argued that once the baby's head is through the cervix, that is birth, so maybe they are under constitutional rights.

Do you see how fuzzy this line is, and do you see why some on both sides of this issue believe it is important to draw the line so we do not get into this rather difficult situation?

The baby is delivered, all but the head. The abortionist then does a barbaric thing. I even think those who support this procedure would argue and would agree with me that this is barbaric. This is a living baby, a human being. It is delivered outside of the mother. Its arms, its legs, its torso are outside the mother. The doctor, because they cannot see; it is a blind procedure—the baby is face down—feels up the spine to the base of the neck, base of the skull, top of the neck, finds the point at the bottom of the base of the skull, takes a pair of scissors, and jams it into the base of the baby's skull.

I do not have to tell you, a baby at 20-plus weeks has a fully developed—I should not say fully—has a developed nervous system and feels pain, acutely some have suggested, more than you would feel pain. A medical doctor takes a pair of scissors and jabs the baby in the skull.

Nurse Brenda Shafer, who testified before the Senate and House Judiciary Committees, described the reaction of one of the babies when this occurred. The baby threw out its arms and legs. If you ever held a little baby and you gently bounced them in your arms, they stick out their arms because they are not sure, they lose their equilibrium. She said it was just like that. The little baby lost its equilibrium and then fell down.

The baby is dead now. The abortionist has killed the baby that was 3 inches from being protected by the Constitution. Three inches more and everybody in America would say—everybody but a couple of people in Princeton—that baby should no longer be able to be killed. But for those 3 inches, that little baby is allowed to be executed in the most painful, brutal, insensitive, barbaric fashion of which I think any of us have heard.

To add insult to injury—let me put it a different way. To add insult to execution, they take the suction catheter, insert it in the hole made by the scissors, and they suction out the baby's brains. And a baby's skull is soft. It has those plates that move, grow, allow the baby's head to expand. The baby's head just collapses as a result of the suction. And then this otherwise beautiful, healthy, normal baby—that would otherwise be born alive and, in a vast majority of the numbers, particularly after 22 weeks, would not only be born alive but would be viable outside the mother—is then extracted completely from the womb.

If you described what I just described as a procedure done on any human being in some foreign country as a way of torture, the American public would be aghast, they would be outraged, outraged that such barbarism could occur in a civilized country. But this barbarism occurs every single day in America. Thousands of times a year, little babies are killed in this brutal fashion. Why? I will get to that in a minute.

Who performs this? And where, by the way? Is this performed in hospitals? The answer to that is no. No hospital would do an abortion such as this. Is this in the medical literature? The answer is no. It is not taught in any medical school. It is not taught anywhere except by the developer and another person from Ohio who developed this procedure.

Is the person who developed this abortion technique a well-known obstetrician, someone who is board certified, someone who is an expert in internal fetal medicine? No. No. Not only is this person not board certified, not only is this person not an expert in internal fetal medicine, this person is not even an obstetrician.

The person who developed this procedure was a family practice doctor who, I guess, could not make it saving children so went into the abortion business and developed this procedure, not because this was a procedure that was in the best interest of anybody concerned, except the abortionist, but because this is a much simpler procedure in the sense it takes less time, so you can do more abortions during a day. It takes less time than other late-term abortions, so you can do more of them. And, of course, when you get paid for these, the more you can do, the more money you make.

Why is this procedure done? You will hear arguments today that this procedure is done to protect the life and health of the mother—that is what you will hear: life and health—and another thing which is health related: the future fertility of the mother. We will have a long debate about that. I am not going to take a lot of time in my opening statement about that, but I do want to address it briefly.

No. 1, life. There is a clear life-of-the-mother exception in this bill. If this procedure needs to be used to protect the life of the mother, it can be used. Having said that, the person who developed this procedure, the person who does, from what we know—again, we do not have good information—most of these kinds of procedures, a guy named Dr. Haskell from Ohio, has said under oath in a court of law—in a court of law, under oath—that this procedure is never used to protect the life of the mother.

Under oath, in a court of law, what would seemingly be an admission against his own interest, in one of these suits that challenges the constitutionality of this, he admitted, as, frankly, has everybody else—except a few folks on the other side of the aisle who have it in their mind that somehow this is needed to save the life of the mother—it is never used.

Do you know what we say? Fine. It is never used? We will still put it in the bill. If there is some strange occurrence that no obstetrician I have heard of has come forward with to say needs to be used to protect the life of the mother, it is covered.

Think about this intuitively. This is why the doctor arrived and why everybody who has looked at this issue has

arrived at the conclusion that this is never used to protect the life of the mother.

If you had a mother who presents herself in a life-threatening situation, would you give her two pills and say come back in 3 days? You do not have to be an obstetrician to figure this one out, folks. If someone is in a life-threatening situation, you do not give them two pills and say go home and come back in 3 days, and dilate their cervix during that 3-day period.

So the argument that this is somehow used to protect the life of the mother is as bogus as a number of other lies I will go through here in a minute that have been put forward by the other side to stop this procedure from being banned.

Second, health. Again, same doctor, same case. Different question: Is this procedure ever necessary to protect the health of the mother? Again, the abortionist who helped develop the procedure, who uses it more than anybody else, testifying in court, under oath: Is this necessary to protect the health of the mother? Answer: No. No.

But you will see people come to the floor and talk about, oh, how this is absolutely necessary, how this is an important health issue for women. We have over 400 obstetricians, most of them board certified, many of them specialists in maternal-fetal medicine, who have written letters, who have signed documents, including the AMA—which is not a pro-life organization, I might add—who have signed letters saying this is bad medicine; it is never necessary to protect the health of the mother to do this procedure.

Yet people will come down to this floor and say: Well, I can't be for this because I need a health-of-the-mother exception and put up ''cases'' where this was done and, as a result of this, the mother was able to have more children, was able to do other things; and if this procedure were not done, then they would not have this opportunity.

I would not argue that this procedure could result in a positive outcome for the mother's health. Certainly it could. But that is not the question. The question here is, Is it necessary—the answer is, no—to protect the health of the mother or the life of the mother.

And second, is it the best method? Clearly, given what we know about this procedure and its profound implications on who we are as a society, the answer has to be emphatically—I hope from this body, which is so concerned about the consuming problem of violence in our society—I think a group of people who stand up and complain about shootings at Columbine will look at this and say: Wait a minute. If we're saying this kind of brutality is OK, if the Senate and the President of the United States say this kind of brutality of our children is OK, then how in the world can we be aghast when other violence is done to our children?

If we can stand here, with straight faces, and with passion in some cases, and argue that this kind of execution is not only legitimate but preferable, proper, constitutional, necessary, how can we be even the least surprised that young people, looking at what goes on in the world around them—obviously, they get a lot of bad messages from Hollywood and from the media, but they only need to look to the Senate and to this President to get their cue. The cue is violence is OK, as long as there is some purpose to be served. And the purpose is to make sure we don't have a chink in the armor of abortion rights. That is the purpose.

The question is, Why are they fighting this so hard? What is really the problem? Why are they fighting what is an abomination? It is uncomfortable to talk about it. I am sure for those listening it is very difficult to listen. This is not a pleasant subject. Why would you want to get up year after year and fight this issue? What is the great cause at stake that we have to draw the line in the sand?

They will argue it is the health of the mother. It is not true. That has never stopped them from arguing that. But when you have the people who perform the abortions saying under oath that it is not true, it is darn hard to come here and say this is why we want to do it, and for those of us who have to listen to it, to say: Is this really what is at stake? Is this really the issue? Or is there something else going on? Is there an agenda?

I can tell you what the agenda is on our side. The agenda is very simple. At a time when we are faced with senseless, irrational violence, with a culture that is insensitive to life and promotes death through our music, through videos, just a little beacon of hope, a little grain of sand of affirmation that life is, in fact, something to be cherished, not to be brutalized; that there are lines in our society that we can't blur, that we shouldn't cross, because when we do that, we throw in doubt, for millions of children and adults, the issue of, well, maybe this isn't so wrong. We cloud the issue, the issue of life for children that are 3 inches away from constitutional protection. Don't you think that is a good place to draw the line? Don't you think that is a reasonable place to say, OK, enough is enough?

No one is standing here arguing overturning Roe v. Wade. In fact, I will make the argument, this is legitimate under Roe v. Wade. There is nothing here that will, even if it goes to the Court, overturn Roe v. Wade. It is not our intention with this act.

This act is an attempt, and I would argue a feeble attempt—many of you listening were around 30, 40 years ago. Could you imagine walking onto the Senate floor 40 years ago, turning on the television and seeing Walter Cronkite report on the debate on the Senate floor about whether this should be legal in America? Can you imagine 40 years ago that we would even have a debate in the Senate about whether this would be allowed in America?

There isn't a person in the Senate who, 40 years ago, would have said this is OK. They would have been appalled. Well, maybe in Nazi Germany or maybe in the Soviet Union, but in America, this? No. But how far we have come. How much more civilized we have become. How culturated we have become that now 40 years hence we can have these kinds of rational debates and people can come to the floor of the Senate and say that thrusting a pair of scissors in the base of the skull of a little baby is OK. How far we have come. How humanity has grown and developed. How sophisticated we are that we can find precise legal arguments that will weave us through this web of destruction and say, but it is OK. Americans go to sleep at night knowing that thousands of children, almost born, inches from reaching toward that constitutional protection, can be executed. We are all better for it. We are better as a society for this.

They will not say that, but underneath the argument is this: This being legal is better for America. When people come and cast their votes, you will have to cast the vote saying that allowing this to occur in America is better for us. It is preferable in the United States of America that this occurs. We want this to continue. We believe this is right. We believe this is just. We believe this is humane. We believe this is in the best spirit of America, liberty, and freedom.

How twisted, how twisted we have become. How we contort ourselves to find that path through rights to allow this to be the best that we are in America. We are better than that. This country stands for higher ideals and principles than that. A majority of the Senate will agree with me. A majority of the House will agree with me, a majority of Americans. But that is not enough.

So this contorted construction of freedom will continue to be legal. Can you envision our Founding Fathers with these charts in front of them saying: This is the product of liberty? This is the product of the high ideals that we suffered through in revolutionary, civil, and major world wars to preserve? This is what it has come to? This is the personification of liberty in America today? It is no wonder we are concerned when we tuck our children into bed at night and we see what kind of world is ahead of them. How much more will we be able to twist freedom and liberty to destroy their true freedoms? I tuck five little ones in bed every night. I wonder, I wonder what is in store for them, if we continue as the Senate, the greatest deliberative body in the world, to allow this wanton destruction of the most vulnerable in our society. Where are we headed?

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, for those who have followed this debate since it opened about an hour ago, you have heard that those of us who will fight on the floor of the Senate for moms, for our daughters, for their health, for their lives, are somehow evil and bad people. You have heard in this debate, in some of the most inflammatory language, which I think is, in essence, very dangerous for this country, that those of us who stand up to fight to make sure that every child is a wanted child, that every child who comes into this world is wanted and loved, that every woman has a right to be respected—you have heard that somehow we want to bring violence to children. You have heard the word ''executioners'' relating to doctors who take an oath ''to do no harm,'' who save lives, who bring babies into the world. Executioners. I am stunned by the tenor of the debate. I am troubled by the tenor of the debate.

The majority leader was sent a letter by a number of groups asking him to please not bring this issue up this week, could he wait a week. They noted that on Saturday, we will have the 1-year anniversary of the assassination of a doctor, Dr. Barnett Slepian, who was murdered in his home, through a window, by a coward who took this man from his family. The majority leader was told there have been five sniper attacks on U.S. and Canadian physicians who performed abortions since 1994. All of those victims were shot in their homes by a hidden sniper who used a long-range rifle. Dr. Slepian was killed, and three other physicians were seriously wounded in these attacks—for making sure that women had their legal rights protected and their health protected.

I think it is sad that we would have this debate, with the most inflammatory language I have ever heard on the Senate floor to date. I know the FBI and the Attorney General are going to be ever more vigilant because of this debate. I know that and I am glad about that. It is very hard for me to imagine that we could not have put this off a week. Here we are. And instead of having a debate that should be based on the merits of the discussion, it has been inflamed.

Yesterday, I said if 100 doctors walked into the Senate and sat down in our chairs to practice being Senators, they would be arrested and dragged out of here. Yet here we are in the Senate—100 of us, and not one of us an obstetrician, not one of us a gynecologist—deciding what procedures should or should not be used, and under what circumstances, in a matter that should be left to the medical profession, left to the families of this country, left to loving moms and dads. So here we are practicing medicine in the Senate and not even doing a very good job of it, I might say, if you listen to the physicians who have written to us on this matter.

I am going to place into the RECORD several letters from organizations consisting of physicians. Here is one from the Society of Physicians for Reproductive Choice and Health—the people my colleague has called ''executioners.''

Ladies and gentlemen of the Senate and of this country, these are the people who bring our children into the world. These are the people who save their lives when they are hurt. These are the people we run to when they have to go to an emergency room.

This is the statement:

In what it claims as a tribute to mothers, the United States Senate today will vote on a bill criminalizing a procedure . . .

. . . legislators supporting this ban are not celebrating mothers—but, in fact, are dishonoring and condemning motherhood by placing pregnant women at greater risk for infertility and death.

These are the people to whom we turn when we are sick, and they are telling us not to pass the SANTORUM bill. They bring back the days before 1973:

Prior to abortion's legalization in 1973, the leading cause of maternal death in this nation was illegal abortion. As Congress attempts to ban abortion, procedure by procedure, more and more pregnant women will die. As physicians concerned about the health and lives of our women patients, we believe this is a shameful celebration of motherhood.

I ask unanimous consent that letter be printed in the RECORD.

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

STATEMENT ON SANTORUM BILL (H.R. 1122/S. 6) BANNING A PROCEDURE KNOWN MEDICALLY AS DILATATION AND EXTRACTION, MAY 20, 1997

In what it claims is a tribute to mothers, the United States Senate today will vote on a bill criminalizing a procedure known medically as dilatation and extraction. Ironically, legislators supporting this ban are not celebrating mothers—but, in fact, are dishonoring and condemning motherhood by placing pregnant women at greater risk for infertility and death.

Congressional supporters of this ban are hiding from women and their families the true consequences of this bill: it makes unavailable to physicians and their women patients a safer, less risky medical option during health- and life-threatening events that can occur during pregnancy. Women, their families and their physicians must be alarmed by Congressional plans to deny a medical option that preserves women's health and lives.

Contrary to popular belief, it already is illegal to perform a third trimester abortion on a healthy mother carrying a healthy fetus. Abortion opponents who present graphics of darling, full-developed babies being aborted are gravely misleading and misinforming the public and policymakers. Opponent admit these graphics are false, but continue to use them anyway.

Annually, 300 to 600 third trimester postviability pregnancies are terminated legally for specific medical complications that can develop during the pregnancy's course. These conditions pose severe health and life threats to the women—including infertility and death. When maternal complications develop, these pregnancies are terminated only after attempts are made to deliver the fetus safely while preserving the health and life of the mother. Decisions to terminate pregnancy at this stage are not considered by one physician alone. In fact physicians and their patients seek second and third medical opinions.

Some severe complications that can affect pregnancy include; The development of cancer during pregnancy; severe pre-eclampsia (toxemia) accompanied by kidney or liver failure; uncontrollable health failure; longstanding insulin dependent diabetes causing declining renal kidney function; Lou Gehrig's disease and other conditions causing respiratory failure; or, severe hypertension (high blood pressure) diseases causing maternal organ failure and maternal death.

The severity of these complications may make labor or caesarean section fatal.

Approximately one percent of all legal abortions occur late in the second trimester before fetal viability. Some are performed on women facing medical complications described earlier. Other women carry fetuses with serious genetic or developmental anomalies, including abnormal fetal kidneys, heart and brains—complications not usually detected until the second trimester.

Legal late second trimester abortions also are performed on women who, lacking health insurance and access to healthcare facilities, are unaware they are pregnant or unable to terminate the pregnancy earlier. Some women with irregular menstrual cycles may be unaware of their pregnancy. For some of these women, dilatation and extraction is the safest medical option because the fetal head is disproportionately large and trapped in the dilated cervix during delivery.

Banning dilatation and extraction will force competent physicians to choose riskier medical options that increase danger to patients. For women, these options are lengthy and painful, including the placement of surgical instruments into the uterus, increasing the risk of uterine perforation and infertility. Another option uses medication to induce labor, increasing the risk of maternal death from blood clotting failure and hemorrhage.

Prior to abortion's legalization in 1973, the leading cause of maternal death in this nation was illegal abortion. As Congress attempts to ban abortion, procedure by procedure, more and more pregnant women will die. As physicians concerned about the health and lives of our women patients, we believe this is a shameful celebration of motherhood.

Physicians for Reproductive Choice and Health oppose the Santorum Bill (H.R. 1122/S.6).

Mrs. BOXER. Mr. President, we have a letter from the executive vice president of the American College of Obstetricians and Gynecologists. These are the men and women who bring life into the world. These are the men and women who deliver our babies. I find it interesting when the Senator from Pennsylvania talks about breach

births—I had a breach birth; I don't think he ever did, and I know what it is. I know what the risks are. I am a mother of two beautiful children. I am a grandmother of one beautiful grandson, and I tuck him in and I read him stories and I love him. I want him to grow up in a world where families are respected, where physicians are respected, where no one stands up on the floor of the Senate and calls a physician an executioner. I don't think that is a good country. I don't think that is respect. I don't think that brings healing to this issue.

The American College of Obstetricians and Gynecologists said:

[This bill] is vague and broad. . . . It fails to use recognized medical terminology and fails to define explicitly the prohibited medical techniques it criminalizes.

That is an important point. Bills just like this one have been ruled unconstitutional 20 times. One of those decisions was in the State of Arkansas, and I am going to share those decisions with you because I think it is important. So many of us say: local control, let the States decide.

The States have passed these laws, and not one of them yet has been proven constitutional or declared constitutional. But they have been declared unconstitutional because of what the doctors are saying—the language in this bill is so vague. And the language in all those bills is that they would, in fact, outlaw all abortion at any particular time during the pregnancy.

So when my colleague from Pennsylvania says, well, we don't want to overturn Roe v. Wade—and perhaps we will have a chance to vote on that as well—but when he says that, that is not what the courts are saying. The courts are saying his law does, in fact, make all abortions illegal and would criminalize abortion.

I ask unanimous consent that this letter be printed in the RECORD.

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

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, WOMEN'S HEALTH CARE PHYSICIANS,

Washington, DC, October 7, 1999.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: The American College of Obstetricians and Gynecologists (ACOG), an organization representing 40,000 physicians dedicated to improving women's health, continues to oppose S. 928, the ''Partial Birth Abortion Ban Act of 1999.'' ACOG urges the Senate to reject this legislation.

ACOG believes that S. 928, as amended, continues to represent an inappropriate, ill advised and dangerous intervention into medical decision-making. The amended bill still fails to include an exception for the protection for the health of the woman.

Further, the bill violates a fundamental principle at the very heart of the doctor-patient relationship: that the doctor, in consultation with the patient, based on that patient's individual circumstances, must choose the most appropriate method of care for the patient. This bill removes decision-making about medical appropriateness from the physician and the patient.

S. 928 is vague and broad, with the potential to restrict other techniques in obstetrics and gynecology. It fails to use recognized medical terminology and fails to define explicitly the prohibited medical techniques it criminalizes. In the most recent court action, the Eighth US Circuit Court of Appeals ruled that the ''partial birth'' abortion laws in three states were unconstitutionally vague.

Moreover, the ban applies to all stages of pregnancy. It would have a chilling effect on medical behavior and decision-making, with the potential to outlaw techniques that are critical to the lives and health of American women. Chief Judge Richard Arnold wrote in the Eighth Circuit decision that, ''Such a prohibition places an undue burden on the right of women to choose whether to have an abortion.''

Sincerely,

RALPH W. HALE, MD,
Executive Vice President.

Mrs. BOXER. Mr. President, there is a letter from the American Medical Women's Association.

Are these executioners, too? They work in the medical field. They say they are gravely concerned with governmental attempts to legislate medical decisionmaking through measures that do not protect a woman's physical and mental health, including future fertility, or fail to consider other pertinent issues such as fetal abnormality. And they strongly oppose governmental efforts to interfere with physician-patient autonomy.

I ask unanimous consent that this letter printed in the RECORD.

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

STATEMENT OF THE AMERICAN MEDICAL WOMEN'S ASSOCIATION ON ABORTION LEGISLATION IN THE 105TH CONGRESS

ALEXANDRIA, VA (MAY 20, 1997).—The American Medical Women's Association, ''is committed to protecting the reproductive rights of American women and has opposed any legislative intervention for medical and or surgical care decisions,'' says current AMWA President Debra R. Judelson, MD. This week, AMWA reitrated its opposition to H.R. 1122 and S. 6, which seek to ban a particular medical procedure.

It is the opinion of AMWA's Executive Committee that legislative efforts to regulate abortion have been flawed. Concerns in the following areas have prevented AMWA from taking a position on recent legislative efforts focusing on abortion in the 105th Congress.

AMWA is gravely concerned with governmental attempts to legislate medical decisionmaking through measures that do not protect a woman's physical and mental health, including future fertility, or fail to consider other pertinent issues, such as fetal abnormalities. Physicians and their patients base their decisions on the best available information at the time, often in emergency situations. AMWA strongly opposes governmental efforts to interfere with physician-patient autonomy.

It is irresponsible to legislate a particular test of viability without recognition that viability cannot always be reliably determined. Length of gestation is not the sole measure of viability because fetal dating is an inexact science.

AMWA resolutely opposes the levying of civil and criminal penalties for care provided in the best interest of the patient. AMWA strongly supports the principle that medical care decisions be left to the judgment of a woman and her physician without fear of civil action or criminal prosecution.

Any forthcoming legislation will be carefully reviewed by AMWA based on the criteria outlined above, and AMWA will seek to ensure that there is no further erosion of the constitutionally protected rights guaranteed by *Roe v. Wade.* Says AMWA President Debra R. Judelson, MD, ''AMWA firmly believes that physicians, not the President or Congress, should determine appropriate medical options. We cannot and will not support any measures that seek to undermine the ability of physicians to make medical decisions.''

AMWA has long supported a woman's right to determine whether to continue or terminate her pregnancy without government restrictions placed on her physician's medical judgment and without spousal or parental interference.

Founded in 1915, the American Medical Women's Association represents more than 10,000 women physicians and medical students and is dedicated to furthering the professional and personal development of its members and promoting women's health.

Mrs. BOXER. Mr. President, the American Nurses Association—are they executioners or are they loving people who choose this field of work because they want to make people well because they have compassion in their hearts—what do they say about this?

They oppose the Santorum bill. They say it is inappropriate for Congress to mandate a course of action for a woman who is already faced with an intensely personal and difficult decision. They represent 2.2 million registered nurses. They ask us to defeat this.

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

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

AMERICAN NURSES ASSOCIATION,
Washington, DC, May 20, 1997.

Hon. BARBARA BOXER,
United States Senate,
Washington, DC.

DEAR SENATOR BOXER: I am writing to reiterate the opposition of the American Nurses Association to H.R. 1122, the ''Partial-Birth Abortion Ban Act of 1997'', which is being considered by the Senate this week. This legislation would impose Federal criminal penalties and provide for civil actions against health care providers who perform certain late-term abortions.

It is the view of the American Nurses Association that this proposal would involve an inappropriate intrusion of the federal government into a therapeutic decision that should be left in the hands of a pregnant woman and her health care provider. ANA has long supported freedom of choice and equitable access of all women to basic health services, including services related to reproductive health. This legislation would impose a significant barrier to those principles. It is inappropriate for Congress to mandate a course of action for a woman who is already faced with an intensely personal and difficult decision.

The American Nurses Association is the only full-service professional organization representing the nation's 2.2 million Registered Nurses through its 53 constituent associations. ANA advances the nursing profession by fostering high standards of nursing practice, promoting the economic and general welfare of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.

The American Nurses Association appreciates your work in safeguarding women's access to reproductive health care and respectfully urges members of the Senate to vote against H.R. 1122.

Sincerely,

GERI MARULLO, RN,
Executive Director.

Mrs. BOXER. Mr. President, if someone wants to stand up here on the Senate floor and attack a whole part of our America, and if they want to use cartoons on the floor of the Senate to depict a woman's body, that is up to them. But I ask the American people to be the judge both of the substance of what is happening here, the techniques that have been used, and the inflammatory level of the debate.

I want you to meet a real person. I want to picture a real face—not a cartoon, but a real face—on the floor of this Senate. I want to tell a little bit about her story.

This is Tiffany Benjamin:

My husband and I waited until we established in our careers and could provide the best possible environment for a child. In 1994, we were thrilled with the news that we were expecting a baby. My first five months were joyous months of pregnancy. During a routine checkup my physician performed a standard AFT test. The results were abnormal. So my doctor ordered another test. Unfortunately, this test was also irregular. In my 20th week of pregnancy we discovered that our child had trisomy 13.

In plain English, each cell of her body carried an additional 13th chromosome. Doctors advised that her condition was lethal.

No one could offer us hope. Sadly we determined that the most merciful decision for our child—

Our child in our family—

would be to terminate my pregnancy. Although the years have passed, for us the depth of our loss is vivid in our mind. We are astounded that anyone could believe that this type of decision is made irresponsibly and without a great deal of soul searching and anxiousness. These choices were undoubtedly the most painful decisions of our lives. Please don't compound the pain of other families like ours by taking away our ability to make the difficult choices that only we can make in consultation with our physician. Please reject S. 1692 and protect our families from this dangerous legislation.

I ask you to look at Tiffany with her child. Does she look like an executioner to you? Does she look like someone who didn't want to have this child and suddenly woke up and said: I have changed my mind? No. This is a loving woman, a loving family member. She had to have this procedure, and this legislation would stop her from having it.

I want to tell you about another woman, Cindy, a 30-year-old mother of five living in Kansas City who said very proudly that she is a Catholic.

In June of 1998, Cindy noticed a lump on her neck and called her doctor. Within weeks, she found that she had thyroid cancer and, after surgery, began iodine radiation treatment. Contrary to medical protocol, she was not given a pregnancy test prior to the radiation treatment. Cindy's body did not respond to the radiation, and blood results indicated her body still contained the deadly disease. After returning to the hospital for another treatment, her blood was drawn for a pregnancy test, but the staff did not wait for the results; they gave her another iodine radiation pill.

Due to the radioactive iodine in her body, she was placed in an isolation room. No one could enter—not her husband, or her nurses, or her physician.

Two hours later, she received a phone call from her physician telling her they had made a terrible mistake. Her pregnancy test came back positive. She immediately started drinking water because the doctors told her all she could do in an attempt to shield her baby from the radiation was to drink a lot of water.

The next day, a second pregnancy test confirmed the first and a sonogram was ordered. That is when Cindy and her husband learned that not only was she 13 weeks pregnant but she was expecting twins, the twins they had always hoped for.

Imagine the feeling of that family. Within hours, the family learned that their babies would not survive, not grow, not develop. The radiation her babies received was equivalent to the bomb dropped on Hiroshima.

Cindy says:

We decided that termination would be best for our family and our babies. Through our research, our insurance company told us, however, that we were on our own.

And she adds:

You see, as a Federal employee my insurance will not pay for elective abortions.

She says because this abortion was meant to preserve her health, because of the votes in this Congress, she could not get help. She says:

I have five little ones at home who depend on their mommy ever day. I didn't want to have an abortion but I needed one. And the abortion that I had would have clearly been banned by this bill, and I thank God that this bill didn't tie my doctor's hands.

Let me just say that again. This is a woman who is religious. This is a woman who says to us thank God that bill wasn't law, the bill that the Senator from Pennsylvania is fighting so hard to become law. She says thank God it wasn't the law. She says this is clearly an intensely private, torturous decision.

Are proponents willing to tie the hands of both parents and physicians and say to a woman: You must carry your child to term despite the fact that it has been determined the child won't live and your health will be affected?

I have to say that these women who are proud to come forward to help us in a very difficult issue deserve our thanks because here they are being called the worst names in the book, being essentially told that they don't love children, that they don't care about children, when in fact these are loving moms and, in many cases, quite religious.

This is the third time the Republican leadership has brought this bill before the Senate. Again, it is playing doctor without one obstetrician or one gynecologist among us. The obstetricians and the gynecologists say we shouldn't do this. The women who have had this procedure say we shouldn't do it.

We are going to have a lot more debate. I know my colleague from Illinois is here, and he has a very important piece of legislation to offer. But before I give up the floor this time, I want to talk about what has happened in the courts because my colleague from Pennsylvania has made a statement I think that is fairly dismissive of what has actually happened. He says some of the courts have upheld this procedure and some have not.

I will discuss what the courts have done not because I am telling my colleagues to vote against their conscience; if they want to vote for something unconstitutional, that is their right. They ought to hear the arguments made in the 20 States in which this particular procedure has been called unconstitutional.

This chart shows which States have enjoined these bans. I put ''partial-birth abortion bans'' in quotes because there is no such thing. This is the political terminology. Nearly every court to rule on the merits of an abortion ban since the Senate last voted on the issue has ruled this abortion ban is unconstitutional. These are the States that have so far enjoined this Santorum-like legislation from going into effect: Alaska, Arizona, Arkansas, Florida, Idaho, Illinois, Iowa, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, New Jersey, Ohio, Rhode Island, West Virginia, Wisconsin, and in Georgia and Alabama there has been limited enforcement.

We have a string of decisions. I will read quotes of judges from these States—and as so many of my colleagues have said, as our President has said, we ought to listen to the States. Let's hear what the State judges are saying when they have overturned these types of bans.

First, from a Federal judge in Arizona:

The term ''partial-birth abortion'' is not a term found in the medical literature.

Let me repeat that. The judge writes:

The term ''partial-birth abortion'' is not a term found in the medical literature. The testimony of witnesses at trial indicates that this term is ambiguous and susceptible to different interpretations.

The important point is, when my colleague from Pennsylvania says he only means it to be a handful of procedures, this particular judge, Judge Bilby in Arizona says no, the term is so vaguely worded it could apply to many other abortions, and that essentially would overturn a woman's right to choose.

In Arkansas, Judge Richard Arnold says:

As we shall explain, ''partial'' delivery occurs as part of other recognized abortion procedures, methods that are concededly constitutionally protected. Under precedents laid out by the Supreme Court, which is our duty to follow, such a prohibition is overbroad and places an undue burden on the right of women to decide whether to have an abortion.

This is a judge in Arkansas saying the Santorum-type language is so broad and the procedure is so broadly explained it could, in fact, apply to any type of abortion. He ruled it unconstitutional.

In Illinois, U.S. District Court Judge Charles Kocoras, said:

First, the statute, as written, has the potential effect of banning the most common and safest abortion procedures.

He looked at the Santorum-like bill and said it also was unconstitutional.

U.S. District Court Judge Heyburn in Kentucky says:

By choosing words having a broader scope, the legislature moved from arguably firm constitutional ground—banning a very limited procedure use for late-term abortions—to a quagmire of constitutional infirmity.

There is a common thread among the judges—by the way, from very conservative areas of our country—who are saying the Santorum-type of ban is so broadly worded it would take away a woman's right to choose even at the early stages of pregnancy.

In Nebraska, Judge Richard Arnold says:

The law refers to ''partial-birth abortion'' but this term, though widely used by lawmakers and in the popular press, has no fixed medical or legal content.

It would also prohibit in many circumstances the most common method of second trimester abortions . . . under the controlling precedents laid down by court, such a prohibition places an undue burden on the right of women to choose whether to have an abortion.

For colleagues who say vote for Santorum; it doesn't take away a woman's right to choose, we have 20 court decisions that say it does. In certain States, they have stopped performing abortions because the doctor was afraid he would be arrested for performing an early-stage abortion.

In summing up, we were elected to be Senators. We have a lot of work to do. We weren't elected to be the American College of Obstetricians and Gynecologists. They have their own organization. We should vote down this unconstitutional bill. If we do not—because I know this is political—why else would it be before the Senate? This is politics at its worst. This is the third time the President will veto this bill. We all know we will have the votes to sustain that veto. Why go through this if not for politics?

This is a debate we should not be having right now. It has been, unfortunately, in my view, very divisive so far. I hope we can get back on solid ground. Let Members not call people executioners; let Members not call families unimportant; let Members not demean women, and say the other side says the health of the woman is important. Yes, the health of women, the health of men, the health of families, that should be our paramount concern. We are not physicians. Within the context of the law, Roe v. Wade, which was decided in 1973, let Members make the decision as to what is best for our women, our families, and our children.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I consider my service in the Senate representing the people of Illinois to be the highest honor I have ever been given. I continue to believe it is the very best job in American politics. As I go back to my home State and meet with people who have entrusted me with this responsibility, I literally thank them for giving me this opportunity.

However, this debate may be one of the most painful aspects of serving in the Congress, and specifically in the Senate, because it raises before the Senate an issue which most Senators would rather not look at again. In the course of 17 years, I have voted on this abortion issue countless times. Each time has been a struggle.

I am sure those who are listening to this debate might question what I just said. Don't you get used to it? Isn't it automatic? Don't you just vote the same way you did last time?

That has never been the case for me. I have tried in every instance to be honest about the specific debate that was involved. My views on this issue have changed over the years as I have listened to the debate of those with various positions.

I have come to a position now that I am at peace with personally. Though I know that I am at peace, the people I represent may see differently.

The best I can say in the course of this debate is what I am about to say and what I am about to offer in terms of an amendment which represents my best good-faith effort to deal with a painful issue. This is not like most issues we face in the Senate. I can go home after a week of working most times and people do not have a clue as to what we have even talked about or debated. I can go to family reunions and get-togethers and people do not ask me how did you vote on a certain bill involving grazing rights in the West. It never comes up.

But this issue, the issue of abortion, is one that most Americans have an opinion on because we have been confronted, since the Roe v. Wade decision, with a huge national debate, a very divisive debate as to whether the Supreme Court was correct or incorrect in giving a woman in the United States the right to choose whether to have an abortion procedure.

There are people dug in on both sides of this debate. What I am saying, I am sure, is no surprise to anyone who observes it. There are some who believe that Roe v. Wade was just plain wrong; that the Supreme Court never should have legalized abortion procedures under any circumstances. There are those on the opposite side of the spectrum who believe that Roe v. Wade did not go far enough with respect to a woman's right to choose and her privacy. I think you will find the majority of Americans in between those two groups; struggling, on one hand, I think, to keep abortion safe and legal but, on the other hand, to put restrictions on it which are common sense.

The Senator from Pennsylvania comes before us today with a bill which seeks to address one aspect. He has focused on one particular abortion procedure. It goes by a lot of different names. The common parlance is partial-birth abortion. There are some who say that is just a made-up name for politics; it has nothing to do with medical terminology. But for better or for worse, that is how this debate is characterized, the partial-birth abortion debate, which has been around so many times on this floor and in Congress.

It now has a further shorthand, PBA. I do not think that is fair to the Senator offering the amendment, the Senator from Pennsylvania, nor to the gravity of the issue. This is a serious issue. The Senator from Pennsylvania focuses on this procedure which I will tell you, as I view it, is a gruesome procedure. It is gruesome. I don't know if his description of it is accurate, but if it is close to accurate it is gruesome.

He believes this procedure should be banned at every stage of pregnancy. Let me address that from two perspectives. First, there has been a lot said on the floor already this morning as to whether or not this kind of procedure is ever medically necessary. I am not a doctor. I cannot reach that conclusion on my own. I have to turn to others for advice.

Let me tell you what I did last year, in July. I had just read an article published in the Chicago Tribune in my home State that quoted former Surgeon General Everett Koop. Because of

that article and what I read and my respect for him, I sent a letter. My letter was addressed to Dr. Ralph Hale, the executive director of the American College of Obstetricians and Gynecologists here in Washington.

I am going to read the letter because I want you to understand I tried my very best to give an open-ended opportunity for this medical doctor in the specialty of obstetrics and gynecology to tell me his professional opinion. Let me read the letter:

DEAR DR. HALE, enclosed is a commentary that appeared in yesterday's Chicago Tribune. It quotes former Surgeon General C. Everett Koop as saying that ''Partial-birth abortion is never medically necessary to protect a mother's health or future fertility.''

I am writing to request your College's response to this statement. In the medical judgment of the experts among your members, is it true that partial-birth abortion is never medically necessary to protect a mother's health or future fertility?

As I am sure you know, this is a matter of great concern to many members of Congress including myself, and I would appreciate your timely response to this important question.

I sent that letter on July 28, 1998. I received a reply on August 13, 1998, from Dr. Ralph Hale, executive vice president of the American College of Obstetricians and Gynecologists. When I finish reading it, I will ask it be printed in the RECORD. But I would like to read it in its entirety so there is no doubt I asked an open-ended question of experts in the field, and this is Dr. Hale's reply:

DEAR SENATOR DURBIN: I am writing in response to your July 28th letter in which you asked for the College's response to Dr. Koop's statement that ''Partial-birth abortion is never medically necessary to protect a mother's health or future fertility.''

The letter went on to say:

The College's position on this is contained in the statement of policy entitled Statement on Intact Dilation and Extraction. In that statement we say, ''Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother.'' It continues, ''A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman.'' Our statement goes on to say, ''An intact D & X however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient based upon the woman's particular circumstances can make this decision.'' For this reason, we have consistently opposed ''partial-birth abortion'' legislation.

It goes to say:

Please find enclosed ACOG's statement on intact D & X. Thank you for seeking the views of the College. As always, we are pleased to work with you.

Sincerely,

RALPH W. HALE, MD,
Executive Vice President.

Mr. SANTORUM. Will the Senator yield for a question?

Mr. DURBIN. I yield for the question.

Mr. SANTORUM. I thank the Senator very much for yielding. The reason I am going to ask the question is an article written by two Northwestern health care physicians from Northwestern University in Evanston, IL, who cited the same statement out of the select panel. They went on to say, after they quoted what you quoted in your letter:

However, no specific examples of circumstances under which intact D&X will be the appropriate.

In fact, in subsequent communications with ACOG and others, we have asked, give us one set of medical—any set of medical circumstances where you believe that this ''may be—whatever.''

Never have we gotten any circumstance where that was the case. So they say it may be, but no one to date has provided any circumstance, as hypothetical as you want, where, in fact, it would be.

Just to say it may be without giving evidence of what it was, I think my question is—I think the next question to which you hopefully can get an answer, I can't—you say it may be. Give me a for instance. So far, we have not been able to get any for instance.

Mr. DURBIN. I thank the Senator from Pennsylvania. That is a reasonable question.

I would say to him, though, there is clearly, at least, a difference of opinion within the medical community as to medical necessity.

Dr. Koop, whom I respect very much and have worked with on a lot of issues, says: Never. The American College of Obstetricians and Gynecologists says it is never the only thing you can do, but it may be the most appropriate thing to do for the health of the mother. And then, of course, you go on to say give us some examples. I think that is reasonable.

I ask we continue the debate at least to find out what those examples might be. That is reasonable.

But you have to say at this moment in time there at least is a difference of opinion, based on the letters introduced by the Senator from California, among medical professionals as to whether this is ever medically necessary or the most appropriate thing.

This raises a policy question. When we get to the point where doctors differ about the use of a procedure, is it appropriate, then, for the Senate to decide that we will ban a procedure, a medical procedure? That is what the Santorum amendment does. I think the Senator from Pennsylvania would concede it.

He attempts to ban the use of this procedure. Based on this letter I received from the American College of Obstetricians and Gynecologists, to do so would say to doctors in some circumstances: You may not use the safest procedure for my wife, my daughter, my sister; Congress has banned that procedure. That is where I struggle with what the Senator from Pennsylvania is attempting to do.

I am not the doctor. I will not play one in the Senate. When I rely on doctors' opinions, they are at best divided on the question.

Let me address the second issue in relation to the Santorum legislation, and that is why we are doing this again and again. I do not question the sincerity of the Senator from Pennsylvania. I know his feelings on this subject are heartfelt, but I do question why we continue to bring this same legislation time and time again before the Senate, not because it is not important to the Senator from Pennsylvania and others, but, frankly, we have been getting readings from courts across America that this language he is proposing today is, on its face, unconstitutional.

We are spending our time in a debate over a bill which 19 States have stricken. These States have all tried to model some type of legislation based on his banning this procedure, and time after time, Federal courts have come forward and said, no, this is unconstitutional. The judges making the decisions are not so-called liberal jurists. You will find within their ranks appointees of President Reagan and President Bush, some very conservative jurists who say on its face this is not constitutional.

We took an oath as Members of the Senate to uphold that Constitution. There are times when interpretations can differ as to what that oath means. But in this case, the Santorum legislation before us has consistently been stricken by the courts, I believe, with only one exception, in the United States. Because of that, I have to ask this question, not questioning the Senator's sincerity, but why are we doing this? Why are we engaged in this debate over language which time and time again has been found unconstitutional and enjoined in my home State of Illinois and across the Nation?

This is a political exercise. It is not an attempt to pass a bill which will become a law. Forget for a moment the President's veto, if you will, and take a look at the merits of the legislation which time and time again has been found by the courts to violate the Constitution.

I would think that at this point in time, the author, whose feelings on this are heartfelt, would have changed his approach, changed his language, tried to address some of the constitutional questions, but it has not happened. We get a rerun every year. This is all about a record vote. This is all about raising this issue for public consciousness and a record vote of the Members of the Senate.

Some people want a scorecard. Some people want to use it politically. So be

it. That happens around here. It is a shame that it happens on an issue of this gravity and importance because, honestly, I do believe there are things we can and should do which will address what I raised earlier. The feeling of the vast majority of Americans is that abortions should remain safe and legal and that restrictions on abortion should be in place only when necessary.

I am going to offer an amendment shortly which addresses my approach to this. As I said earlier, although I am honored to have nine cosponsors, nine other Senators who join me in this amendment—it is a bipartisan amendment—including the two Senators from the State of Maine, both Republican, I do not suggest it is the point of view of anyone other than ourselves. A vote will demonstrate whether I am right or wrong. I hope a majority sees this as a reasonable way to bring this contentious debate to a constitutional and fairminded conclusion.

If we do not, I predict we will have another vote next year on the unconstitutional Santorum legislation and perhaps in years in the future. But what will we have achieved? Contentious, painful debate with no resolution other than a political scorecard, and that for me is a troubling outcome.

I hope we can find a better way to do it because I believe there is a more sensible way. Let me tell you why I think there is.

I am going to offer an amendment which addresses not an abortion procedure but addresses a stage in pregnancy. It is a stage which is known as postviability, that moment in time where the decision is reached that the fetus can sustain survival outside the womb with or without artificial support. That is a moving target. Viability has changed because medicine has changed. Go into any neonatal intensive care unit in America and look at the size of the babies who are surviving. They are smaller than your hand, tiny little babies who are surviving.

Viability is a moving target, and it was a standard that was used in the Roe v. Wade decision. They said until that moment in time when that fetus is viable, could survive outside the womb, then there are certain legal rights in this country. But once viability is reached, those rights change, and we start acknowledging the fact that this fetus has now become a potential human being at birth. Roe v. Wade said we will define the laws of America based on viability.

The problem with the Santorum legislation, the reason why this bill and versions similar to it have been found unconstitutional time and again, is they refuse to accept this basic premise, the premise of Roe v. Wade, the premise of existing law in this country. They will not acknowledge that you should have a law banning a certain procedure only after viability. Each time it is stricken because it would, in fact, restrict the right to abortion before viability, before the fetus can survive. Court after court after court has stricken down State laws that have followed this Santorum model. Yet here we are again.

My amendment, the one which I will offer to the Santorum bill, accepts the Roe v. Wade premise that any changes which we are going to make have to be consistent with Roe v. Wade, and this is what it says: Any late-term abortion—that is, an abortion after viability—is disallowed or prohibited under law. We are talking usually 7th, 8th, 9th month of gestation. Those abortions are prohibited under law except in two specific cases: where continuing the pregnancy threatens the life of the mother or in those cases where continuing the pregnancy poses a risk of grievous physical injury to the mother. That is it. Grievous physical injury. There are those who disagree with me and say it should include emotional injury as well. I have drawn this line at physical injury.

Here is why I believe this is a reasonable standard: At this late stage in the pregnancy, the 7th, 8th, or 9th month, I believe Roe v. Wade tells us we have to look at the pregnancy in different terms. We are now postviability. We are now in a position where the fetus can survive. In those circumstances, what I have said is, the only reason legally you could terminate the pregnancy is if continuing it could literally kill the mother or continuing it could subject her to the possibility of grievous physical injury, which is defined in the amendment.

I go on. One of the objections customarily made is that if you allow a doctor to certify that a mother's life is at stake or she runs the risk of grievous physical injury if the pregnancy continues, you are playing right into the hands of the people who perform the abortions.

I have heard this argument so many times on the other side of the aisle. They argue doctors will say anything, the ones who perform these procedures, because they just want to make the money; they don't care.

I take an additional step. I require a second doctor to certify. You will have two doctors in those decisions, two doctors who come forward and say: If this pregnancy continues, this mother could die, or, if this pregnancy continues, this mother could risk grievous physical injury.

What risks do these doctors take if they are falsifying this information? Substantial fines and the suspension of their licenses to practice medicine are included in this amendment. It is very serious.

When we get to this stage in the pregnancy, I do believe the rules should be a lot stricter. That is why I am offering this as an alternative, one which I believe deals with some very fundamental questions.

S. 1692 is the bill offered by Senator SANTORUM. We have to ask ourselves several questions:

Should just one or all postviability abortion procedures be banned? Senator SANTORUM addresses one. The amendment I offer addresses all postviability abortion procedures.

No. 2: Should a mother's health be protected throughout pregnancy? Under the Santorum legislation that is before us, the mother's health is not an issue; only if her life is at stake could you engage in certain procedures. In the amendment I offer, it will protect a mother's life and a mother's health, the health in terms of the risk of grievous physical injury.

No. 3: Should a woman's constitutional right to choose before viability be preserved? There are differences of opinion on this. Perhaps the Senator from Pennsylvania has a difference of opinion. But Roe v. Wade said—and I agree—that previability, a woman, in consultation with her doctor, her husband, her family, and her conscience, has the right to make this decision. They protect that right in Roe v. Wade.

Oh, I know there are those who disagree. I respect that. I have been in lots of debates with them. That is where I come down. The reason the Santorum language has been rejected in court after court after court as unconstitutional is that, I believe, those on his side just do not accept the basic premise that, previability, this is a decision, a choice, to be made by a mother and her doctor.

As I said, I respect their position, but as long as they fly in the face of this basic principle, as long as they defy Roe v. Wade, with the language in the Santorum bill or the language in the State legislation, it will continue to fall time after time after time; we will continue to go through these political exercises; we will debate until our voices are gone. Then we will have a vote, and then we will go on to the next item of business. And, unfortunately, we will have missed an opportunity to do something that is meaningful. That is why I offer this amendment.

My amendment—I will go to the second chart—in comparison to the Santorum approach, can be spelled out with three specifics.

The Santorum approach bans only one procedure and allows others in its place. Make no mistake, if the Senator from Pennsylvania is successful someday in somehow enacting this legislation, he will not even tell you that is going to stop abortion from occurring. He deals with one procedure. My amendment bans all postviability abortions regardless of procedure.

The Santorum bill violates a woman's constitutional right to have her

health protected. We preserve exceptions for life and health of the mother—narrowly defined.

The Santorum approach violates a woman's constitutional right to choose under Roe v. Wade before viability. My amendment specifically protects a woman's constitutional right to choose before viability.

Let me tell you what I am talking about when I talk about grievous injury. Grievous injury in this amendment is narrowly defined. And I quote:

a severely debilitating disease or impairment specifically caused or exacerbated by the pregnancy; or

an inability to provide necessary treatment for a life-threatening condition.

What could that be? You can all understand the first part: If continuing the pregnancy could kill the mother is clear. But what would the second one be? What if you diagnosed a mother, during the course of her pregnancy, with serious cancer? And what if you found continuing the pregnancy somehow compromised your ability to treat her for that cancer? That is what I am driving at here, to make sure it is serious and grievous, because we are literally talking about late-term, where I think the rules should be much stricter, as does the Court in Roe v. Wade.

My amendment also requires the attending physician who makes the call on these decisions to have the benefit as well—and it requires it—of an independent physician to certify, in writing, that in their medical judgment the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

I make an exception. I want to make it clear for the record. The certification requirement by the doctors can be waived in a medical emergency. But the physician would have to subsequently certify, in writing, what specific medical condition formed the basis for determining that a medical emergency existed.

This legislation will reduce the number of late-term abortions. In contrast, the so-called partial-birth abortion ban will not stop a single abortion at any stage of gestation. The partial-birth abortion ban, by prohibiting only one particular procedure, will merely induce physicians to switch to a different procedure that is not banned by Senator SANTORUM.

Other procedures, such as induction, hysterotomy, or dilation and evacuation, can all pose a greater risk to the mother's health in certain cases. My alternative amendment will stop abortions by any method after a fetus is viable, except when medical necessity indicates otherwise.

Can we or should we try to define ''viability'' in this? I did not. And the courts have warned us: Don't even try. That is a medical judgment and, as I mentioned earlier, is a moving target. Viability today, in other words, fetal survivability today, is different from what it will be tomorrow or next month because these procedures are changing so dramatically in terms of saving the fetus and giving it an opportunity for life.

My alternative fits clearly within the constitutional parameters set forth by the Supreme Court for government restriction of abortion. In Planned Parenthood v. Casey, the Supreme Court reiterated Roe's determination that, after viability, the State may limit or ban abortion.

In contrast, the partial birth abortion ban, by prohibiting certain types of abortions before viability, breaches the Court's standard that the Government does not have a compelling interest in restricting abortions prior to viability.

Nineteen Federal courts in 19 States have enjoined, have stopped, the enforcement of the so-called partial-birth abortion bans Senator SANTORUM brings to the floor. The States include: Alaska, Arkansas, Arizona, Florida, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Michigan, Missouri, Montana, Nebraska, New Jersey, Ohio, Rhode Island, Wisconsin, and West Virginia.

The Santorum bill is clearly unconstitutional. It will be struck down by the courts and have no lasting impact.

My alternative retains the abortion option for mothers facing extraordinary medical conditions, such as breast cancer discovered during the course of pregnancy, uterine rupture, or non-Hodgkins lymphoma, for which termination of the pregnancy may be recommended by the woman's physician due to the risk of grievous injury to the woman's physical health or life.

In contrast, the partial-birth abortion ban provides no such exception to protect the mother from grievous injury to her physical health.

To this point, this debate has been fairly general. To this point, with the exception of the Senator from California, in noting a few mothers who have been through experiences which they have shared publicly, we have talked in generalities.

The Senator from Pennsylvania has brought up a chart that is not a human depiction; it is an effort to put forth some drawing that depicts this procedure.

We have talked about the Constitution. But I will tell you this. My ambivalence over this issue—I was ambivalent when I first heard of this procedure—was put to rest because I sat down with real people, with mothers and fathers, husbands and wives, who faced medical emergencies. And when each of them told me their stories, I thought to myself: How can I possibly vote for the Santorum bill which would have endangered the life of the woman I am talking to? That is why I opposed his legislation in the past and will continue to do so. For the record, I will at this point tell two or three stories that have been a matter of public record and testimony before Congress and that I think demonstrate when you get beyond the theory of this debate and to the reality of it, life gets complicated, very complicated. It is easy to step back and make a moral decision involving other people, if you are not in their shoes. Listen to some of these and you will see what I mean.

This is the story of Coreen Costello from Agoura, CA. Coreen, her husband Jim and their son Chad and daughter Carlyn live in Agoura, CA. Coreen is a full-time stay-at-home wife and mom. She describes herself as a registered Republican and very conservative. She does not believe in abortion. In fact, she never thought she would be testifying before Congress supporting an abortion procedure, which is exactly what she did, on March 21, 1996, before the House Judiciary Subcommittee on the Constitution.

In March 1995, the Costellos were joyfully expecting their third child. However, when she was 7 months pregnant, Coreen began having premature contractions and had to be rushed to the hospital. After reviewing the results of the ultrasound, Coreen's doctor informed her he did not expect the baby to live. Coreen's child, a girl she had named ''Katherine Grace,'' was unable to absorb the amniotic fluid. As a result, the fluid was puddling into Coreen's uterus. Katherine Grace had a lethal neurological disorder and had been unable to move for almost 2 months. Her chest cavity was unable to rise and fall to stretch her lungs and prepare them for air. It was as if she had no lungs at all. Her vital organs were atrophying. Katherine Grace was going to die.

A perinatologist recommended terminating the pregnancy. All the doctors agreed. The Costellos' safest option was an intact D&E, the very procedure banned by this bill by the Senator from Pennsylvania. For Coreen and her husband, this was not an option. They chose to wait to go into labor naturally, which wouldn't be long. Due to the excess amniotic fluid, a condition called polyhdramnios, premature labor, was imminent. Despite the difficulty of knowing her baby was going to die, Coreen continued with the pregnancy. Over the course of the next few weeks, she saw many experts. If possible, the results were even grimmer than those she had earlier.

Her baby's body was rigid and wedged in a transverse position in her womb. Most babies are in a fetal position. Katherine Grace's position was exactly the opposite. It was as if she were doing a swan dive. The soles of her feet were touching the back of her head. Her body was in a U-shape. Due to swelling, her head was already larger than that of a full-term baby. Coreen,

her mother, did daily exercises trying to change Katherine Grace's position so she could be delivered naturally.

Meanwhile, the amniotic fluid continued to puddle in Coreen's uterus. In the ensuing weeks, the condition had grown worse. Everyone started to fear for the mother's health. The mother could no longer sit or lie down for more than 10 minutes because the pressure on her lungs was so great. During one of her last ultrasounds, Coreen's doctor told her she could not deliver the baby via caesarean under the circumstances because the risk was too great. The doctor told Coreen there was a safer way for her to deliver. It was at this point Coreen realized this was not a choice anymore, that it was not up to her or her husband. There was no reason to risk leaving her children, Chad and Carlyn, motherless, if there was no hope of saving their new baby.

The Costellos drove to Los Angeles for a D&E. They expected a cold gray building. They found a doctor and a staff willing to help them. It was at this point Coreen realized she had done the right thing. This was the safest thing for her. The fact this option was open to Coreen is important in this story. This option would be closed to her by the Santorum bill.

After the procedure, she went on to say Katherine Grace was beautiful. She was not missing part of her brain. She had not been stabbed in the head with scissors. She looked peaceful and she did not suffer. Because of the safety of this procedure, Coreen became pregnant again with another baby, after losing Katherine Grace. Thanks to the skill and compassion of the doctors and the procedure she was forced to use under these extraordinary circumstances, Coreen was able to have a healthy baby.

If you outlaw the surgical procedure, which the Santorum bill seeks to do, women such as Coreen will be denied the safest and best medical procedure they need under these emergency circumstances and their ability to have more children and the happiness in life which children bring us will be compromised severely.

The next story is about a lady who I met several times. I like her a lot. Her name is Vikki Stella. She is from my home State of Illinois, and she came to Washington, DC, to tell her story. Vikki, her husband Archer and their two daughters, Lindsay, age 11, and Natalie, age 7, live in Naperville, the western suburbs of Illinois right outside Chicago.

In 1993, Vikki discovered she was pregnant with a much-wanted son. Because she is diabetic, she had more prenatal tests than most pregnant women—amnios, ultrasounds, the works.

After the first round of tests, her doctor brought her in and said: Your pregnancy is disgustingly normal. Then at 32 weeks, she went in for another ultrasound, and everything fell apart—32 weeks into the pregnancy. Vikki's son was diagnosed, the one she was carrying, with nine major anomalies, including a fluid-filled cranium with no brain tissue at all. Vikki's much-wanted son would never survive outside her womb. The only thing keeping him alive was his mother's body.

The Stellas found the only answer they could: a surgical abortion procedure performed by a physician in Los Angeles. Because Vikki was diabetic, the controlled gentle nature of this surgery was much safer than induced labor or a C section. Vikki's son died peacefully and painlessly from the combination of steps taken in preparation for the surgery. He was brought out intact and the family was able to hold him and say their goodbyes.

That is a sad story about a couple that dearly wanted a baby and then found late in the pregnancy this terrible news that the baby would not survive and continuing the pregnancy could threaten the life of the mother. The procedure Vikki Stella used is the procedure banned by the Santorum bill, a procedure which her doctor thought was best for her.

There is an end to this story which is much happier. The ending to the story is that in 1995, Vikki gave birth to a little boy. They finally got their son. She came up to Capitol Hill with the little fellow in a stroller and a big smile on everyone's face.

It is hard for me, when I hear the intense rhetoric of this debate, to believe we are talking about the same thing. Some people refer to this as ''cruel'' and ''execution-like.'' This family didn't ask for this medical emergency. They wanted to have their little boy and be happy, as all of us. They found late in the pregnancy something terrible happened. When they went to the doctor, the doctor said, this is what you have to do, and they did it. As painful as it was, they did it. This bill says, no, this will not be a decision of the Stella family, the mother and father in a room with the doctor. This will be a decision of the Stella family in a room with the doctor and the Federal Government. If that doctor decides this procedure is the safest to save this mother's life or to give her a chance to have another baby, the Santorum law will say, no, the Government will make the decision—not a decision by a mother and father and a physician, a decision which has to be so painful and emotional.

The last story is about a lady who testified before the Senate Judiciary Committee in 1995 named Viki Wilson. She is a registered nurse, 18 years of experience, 10 in pediatrics. Her husband Bill is an emergency room physician—a nurse and a doctor.

We have three beautiful children: Jon is 10, Katie is 8, and Abigail is in heaven with God.

In the spring of 1994, I was pregnant and expecting my third child on Mother's Day. The nursery was ready and we were very excited anticipating the arrival of our baby. Bill had delivered our other two children, and he was going to deliver Abigail. Jon was going to cut the cord and Katie was going to be the first to hold her. She had already become a very important part of our family.

At 36 weeks of pregnancy all of our dreams of happy expectations came crashing down around us. My doctor ordered an ultrasound that detected what all my previous prenatal testing, including a chorionic villus sampling, an alpha fetoprotein and an earlier ultrasound had failed to detect, an encephalocele. Approximately two-thirds of my daughter's brain had formed on the outside of her skull.

Viki Wilson said:

I literally fell to my knees from the shock.

This is a woman who was a nurse. When she heard this news, she literally fell to her knees from the shock.

I immediately knew that [my baby] would not be able to survive outside my womb. My doctor sent me to a perinatologist, a pediatric radiologist, and geneticist, all desperately trying to find a way to save [the baby girl].

Her husband is a doctor.

My husband and I were praying that there would be some new surgical technique to fix her brain. But all the experts concurred. Abigail would not survive outside my womb. And she could not survive the birthing process, because of the size of her anomaly, her head would be crushed and she would suffocate. Because of the size of her anomaly, the doctors also feared that my uterus would rupture in the birthing process, most likely rendering me sterile. It was also discovered that what I thought were big, healthy, strong baby movements were, in fact, seizures. They were being caused by compression of the encephalocele that continued to increase as she continued to grow inside my womb.

Viki Wilson asked:

''What about a C-section?'' Sadly, my doctor told me, ''Viki, we do C-sections to save babies. We can't save [Abigail]. A C-section is dangerous for you and I can't justify those risks.''

The biggest question for me and my husband was not ''is [Abigail] going to die?'' A higher power had already decided that for us. The question now was: [Am I going to die? Is the mother going to die with the child?] ''How is she going to die?'' We wanted to help her leave this world as painlessly and peacefully as possible, and in a way to protect my life and health and allow us to try again to have more children.

They used the procedure that would be banned by the Santorum legislation, which is before us today.

Mr. President, I give these three examples because I think it is important for all of us, despite our values and principles and the things we hold dear, to listen to people who struggle with these tragedies. I didn't think in any of those cases, the 5 or 6 women I have met who ever used this procedure to save their lives or protect their health, that I ever detected selfishness or greed. In every single case, these were mothers and fathers who wanted their babies. They had painted nurseries, and

they had given them names. They were prepared for this joyful home coming that never happened.

This was not some casual decision. This was a decision that would haunt them for a lifetime. Why had they been singled out to lose that baby? Why did they have to go through the emotion and the trauma of all the decisions that came with that? I can't answer that. All I can do is sympathize with them for what they had to live through and to say to myself as a Senator, do you really want to say that you know better in terms of that mother's life and health? That is what the Santorum legislation says. It says we know better; we want to be the doctors here; we want to decide which abortion procedure you can use and which you can't use.

As I said at the outset, I am not a doctor, and I am not going to play one in the Senate. The doctors that I have relied on and the patients I have spoken to have led me to conclude that the Santorum approach is the wrong approach. I know that it will be an issue in every campaign forever. I have already faced that. I am sure I will face it again. But I am confident in my position that I can go back not only to my home State but even to my family where this is debated and explain to them why I have done what I am doing today.

This amendment I am offering is a sensible approach. It is one consistent with Roe v. Wade. It deals with late-term abortion, and it is one that is sensitive to a mother's health. It is one that attempts to protect that mother when she runs the risk of grievous physical injury.

AMENDMENT NO. 2319

(Purpose: To provide a complete substitute.)

Mr. DURBIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Ms. SNOWE, Ms. COLLINS, Mr. TORRICELLI, Ms. MIKULSKI, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. AKAKA, and Mr. GRAHAM, proposes an amendment numbered 2319.

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

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

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Late Term Abortion Limitation Act of 1999''.

SEC. 2. BAN ON CERTAIN ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

''CHAPTER 74—BAN ON CERTAIN ABORTIONS

''§ 1531. Prohibition of Post-Viability Abortions.

''(a) IN GENERAL.—It shall be unlawful for a physician to intentionally abort a viable fetus unless the physician prior to performing the abortion—

''(1) certifies in writing that, in the physician's medical judgment based on the particular facts of the case before the physician, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health; and

''(2) an independent physician who will not perform nor be present at the abortion and who was not previously involved in the treatment of the mother certifies in writing that, in his or her medical judgment based on the particular facts of the case, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

''(b) NO CONSPIRACY.—No woman who has had an abortion after fetal viability may be prosecuted under this chapter for conspiring to violate this chapter or for an offense under section 2, 3, 4, or 1512 of title 18.

''(c) MEDICAL EMERGENCY EXCEPTION.—The certification requirements contained in subsection (a) shall not apply when, in the medical judgment of the physician performing the abortion based on the particular facts of the case before the physician, there exists a medical emergency. In such a case, however, after the abortion has been completed the physician who performed the abortion shall certify in writing the specific medical condition which formed the basis for determining that a medical emergency existed.

''§ 1532. Penalties.

''(a) ACTION BY THE ATTORNEY GENERAL.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General may commence a civil action under this chapter in any appropriate United States district court to enforce the provisions of this chapter.

''(b) FIRST OFFENSE.—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter, the court shall notify the appropriate State medical licensing authority in order to effect the suspension of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(b), or shall assess a civil penalty against the respondent in an amount not to exceed $100,000, or both.

''(c) SECOND OFFENSE—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter and the respondent has been found to have knowingly violated a provision of this chapter on a prior occasion, the court shall notify the appropriate State medical licensing authority in order to effect the revocation of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(b), or shall assess a civil penalty against the respondent in an amount not to exceed $250,000, or both.

''(d) HEARING.—With respect to an action under subsection (a), the appropriate State medical licensing authority shall be given notification of and an opportunity to be heard at a hearing to determine the penalty to be imposed under this section.

''(e) CERTIFICATION REQUIREMENTS.—At the time of the commencement of an action under subsection (a), the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney who has been specifically designated by the Attorney General to commence a civil action under this chapter, shall certify to the court involved that, at least 30 calendar days prior to the filing of such action, the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney involved—

''(1) has provided notice of the alleged violation of this chapter, in writing, to the Governor or Chief Executive Officer and Attorney General or Chief Legal Officer of the State or political subdivision involved, as well as to the State medical licensing board or other appropriate State agency; and

''(2) believes that such an action by the United States is in the public interest and necessary to secure substantial justice.

''§ 1533. Regulations.

''(a) FEDERAL REGULATIONS.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this chapter, the Secretary of Health and Human Services shall publish proposed regulations for the filing of certifications by physicians under this chapter.

''(2) REQUIREMENTS.—The regulations under paragraph (1) shall require that a certification filed under this chapter contain—

''(A) a certification by the physician performing the abortion, under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter;

''(B) a description by the physician of the medical indications supporting his or her judgment;

''(C) a certification by an independent physician pursuant to section 1531(a)(2), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter; and

''(D) a certification by the physician performing an abortion under a medical emergency pursuant to section 1531(c), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, a medical emergency existed, and the specific medical condition upon which the physician based his or her decision.

''(3) CONFIDENTIALITY.—The Secretary of Health and Human Services shall promulgate regulations to ensure that the identity of a mother described in section 1531(a)(1) is kept confidential, with respect to a certification filed by a physician under this chapter.

''(b) STATE REGULATIONS.—A State, and the medical licensing authority of the State, shall develop regulations and procedures for the revocation or suspension of the medical license of a physician upon a finding under section 1532 that the physician has violated a provision of this chapter. A State that fails to implement such procedures shall be subject to loss of funding under title XIX of the Social Security Act.

''§ 1534. State Law.

''(a) IN GENERAL.—The requirements of this chapter shall not apply with respect to post-viability abortions in a State if there is a State law in effect in that State that regulates, restricts, or prohibits such abortions

to the extent permitted by the Constitution of the United States.

''(b) DEFINITION.—In subsection (a), the term 'State law' means all laws, decisions, rules, or regulations of any State, or any other State action, having the effect of law.

''§ 1535. Definitions.

''In this chapter:

''(1) GRIEVOUS INJURY.—

''(A) IN GENERAL.—The term 'grievous injury' means—

''(i) a severely debilitating disease or impairment specifically caused or exacerbated by the pregnancy; or

''(ii) an inability to provide necessary treatment for a life-threatening condition.

''(B) LIMITATION.—The term 'grievous injury' does not include any condition that is not medically diagnosable or any condition for which termination of the pregnancy is not medically indicated.

''(2) PHYSICIAN.—The term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions, except that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs an abortion in violation of section 1531 shall be subject to the provisions of this chapter.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

''74. Ban on certain abortions ..... 1531.''.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I appreciate the remarks of the Senator, and I appreciate his good faith in offering this amendment. I am not going to discuss that amendment specifically right now, although I certainly will.

I have a couple of comments. First off, it has to be noted here that partial-birth abortions are performed—this is according to the people who perform them—well over 90 percent of the partial-birth abortions that are performed—and some have suggested much higher than 90 percent—on healthy babies and healthy mothers. Healthy babies, healthy mothers. A very small percentage are the cases that you have heard brought up here today.

The question is then posed: Well, who are we to make the decision about these tough cases? I think even the Senator from Illinois would say, if it is a healthy mother and baby and this procedure isn't necessary, I have some problems. I think a lot of Members who have voted against this bill have said, if it is that case—but there are these cases. I am happy to address those cases, but let me do it in a broader context.

The reason we inject ourselves is the same reason the Supreme Court has injected itself into the debate on second- and third-trimester abortions. It is because we are not talking about removing a tumor. It is not where we are going to say you should not remove this cancerous tumor this way or that way or that appendix that way. What we are talking about here is killing a baby—from my perspective, particularly killing a baby in such a barbaric fashion—which is almost born and is almost protected by the Constitution. So I understand the concern that we should not be practicing medicine. No one is practicing medicine here. What we are doing here is drawing a very important line about what we will allow in our society when it comes to killing a living human being. I don't think anybody is going to question that the baby is living and it is a human being. So what we are talking about here is how can you kill a living human being?

What we are saying is you should not be able to kill a living human being that is almost born, especially in a brutal fashion. The reason is because of how horrendous this is. It creates some real slippery slopes when the Senator from California gets up and says, ''I want every child to be wanted.'' So now if you are not wanted, you are not protected by the Constitution and that is the way it works? If you are not wanted as a child, you don't get protection. What if you're not wanted as a Senator. Do you not get protection? I don't think we want to go down that road.

I am concerned, particularly as we talk about this procedure, where the baby is three inches away from protection from the Constitution, and when you get into this area and say, people have to have all the rights to do whatever they want. That is not what the Constitution says. That is not what we have said here. We have drawn a line because we think it is important for society to draw lines about what is, in fact, legal and what is not.

Mr. DURBIN. Will the Senator yield for a question?

Mr. SANTORUM. Yes.

Mr. DURBIN. I want to explore this, because I really want to understand what we are driving at here. I gave an example of a baby inside a mother's womb with its brain outside of its skull. This brain was growing in size. It was very clear that the baby was alive through the mother that continued to detect a fetal heart beat, and there is an obvious question as to whether this baby could ever survive. At the moment, they had to make a decision. They knew if they went through certain procedures, the mother could have her uterus rupture because of the size of this abnormal growth of the baby, and they decided to use the procedure that the Senator would ban.

Now, conceding everything you have said, does the Senator from Pennsylvania not acknowledge the fact that the baby's life was something that, frankly, was not going to last but a few seconds? As soon as that baby was disconnected from the mother's umbilical cord, the placenta, that baby was not going to survive at that point. The doctor had to say: This baby is not going to live and if I don't use the procedure that you are going to ban here, I can do damage to this woman where she would never have another baby. That is the kind of case. I understand the Senator says it is a living thing, but it is living because of the mother's body and it cannot live on its own.

Mr. SANTORUM. I understand that very well. I just say this. What we have been told by the overwhelming amount of medical evidence—and, again, it gets back to the discussion we had earlier about whether this procedure is the only appropriate procedure—what we have been told over and over again is that this is never medically necessary. In this circumstance, this is not the only procedure that could be used, No. 1.

Again, we have overwhelming medical evidence saying that this is, in fact, not the safest—in fact, is the most dangerous. Even the person who wrote the textbook on second- and third-trimester abortions, a guy by the name of Warren Hern, who talks about this procedure—he does more second- and third-trimester abortions than any other abortionist in the country—says, ''I have serious reservations about this procedure. You really can't defend it. I would dispute any statement that says this is the safest procedure to use.''

This is an abortionist from Colorado who does more third-trimester abortions than anybody in the country.

My point is not that we should say you can't have an abortion if that is what the person wants at that point. But there are other options other than an intact D&E. There are other abortion options, as the Senator explored in his statement. There is the caesarean section, depending on what the problem is. You have the Alan Guttmacher Institute which looked at statistics on abortion. They say that abortion is twice as risky to the life of the mother as is delivery in the second- and third-trimester.

Mr. DURBIN. Will the Senator yield so I understand the Senator's point of view?

I don't want to put words in his mouth. But what I hear him say is you can find some other abortion procedure in that instance other than the one you are banning. That is fine. The Senator may not personally like abortion at all. But from his point of view, he is saying just as long as you use a different kind of procedure, this bill is OK.

Mr. SANTORUM. That is correct.

Mr. DURBIN. This bill is going after one procedure.

Mr. SANTORUM. We are very clear. I don't think this is a problem under Roe v. Wade. I think we are very clear, and are, frankly, working on making it clearer in the definition dealing with the issue of vagueness because that has

been raised, as the Senator mentioned, in the court cases across the country. Even though one case held it to be constitutional, we are looking into ways in which we can tighten that definition.

To make sure, what we are saying is, look, if an abortion is what the mother chooses, or a family chooses, it is legal under certain circumstances in the second- and third-trimester, in almost all circumstances. But we are saying this procedure, because of the very difficult slippery slope of having an almost born child being killed, should not be allowed.

Mr. DURBIN. Will the Senator yield for another question?

Let me say this: The American Council of Obstetricians and Gynecologists comes to a different conclusion. They say in some circumstances this is the safest.

Mr. SANTORUM. But they do not identify any.

Mr. DURBIN. Having said that, there are choices where these women use this procedure under extraordinary circumstances. In the cases the Senator was talking about, they were literally dealing with the birth of a fetus which was not going to survive which was so abnormally sized that it caused a danger and the possibility that the mother would never have another child. Why would we want to preclude any medical procedure that might save that mother's life or give her a chance to have another child, if the Senator from Pennsylvania concedes that he is not arguing against all abortion procedures?

Mr. SANTORUM. Because there are safer alternatives available according to all of the medical literature, and we have definitive statements from obstetricians, hundreds of them, as well as people from Northwestern—I will be happy to share the article with the Senator—from a fairly reputable medical school; I am sure the Senator would say one of the best medical schools. But we have overwhelming evidence that there are safer procedures to use, that this is a rogue practice. It is not used much. And, again, according to Warren Hern, he can't defend this procedure. It is something that should not be used. It is not safe.

I will show you arguments. I don't have it handy, but we will enter into the RECORD an analysis of the cases that you have made by obstetricians who will say under these circumstances there would have been a safer course, a better course than what was done by the physicians in this case. What we are saying is it is not the best medicine, period. It is not medically necessary, period. And it is a barbaric infringement on the rights of an almost born child.

I agree. This is a very narrow bill.

Mr. DURBIN. Let me ask this question, if I might. I ask this question in good faith because I think we should have this dialogue.

Step aside from the argument about whether we should have abortion at all, and go to the first two points; that this procedure is never medically necessary and is especially risky.

Before I was elected to Congress, I used to practice law as a trial lawyer in medical malpractice cases.

I ask the Senator from Pennsylvania, why would any physician subject themselves to a medical malpractice case if the two points that the Senator made are so obvious; that is, this procedure is never medically necessary, and it is more dangerous than other procedures for the mother? Why in the world would they ever take the risk of a lawsuit by using this procedure unless they believe they could justify that it is medically necessary and that in effect it was the safest procedure for the mother to use?

Mr. SANTORUM. This is not commonly practiced. It is only practiced with a few thousand abortions a year. Given the fact there are 1.4 million abortions, a few thousand abortions, it is not something that is practiced in every abortion clinic. I think a lot of abortion clinics will say this is a rogue practice. That is not to say people do not practice medicine that is somewhat strange. There are a lot of people who do things in medicine that are not considered to be medically sound judgments. That doesn't mean that they aren't done. They are, in fact, done. This is a situation where we believe that is the case. This is a rogue procedure. Someone may be sued. I don't know. Maybe someone has. I am not aware of someone being sued. But, again, the person most likely to sue would be the child that is dead. I am not too sure that in the case of the mother that is necessarily a most common thing you will see. I don't think a lot of abortionists are sued, period.

I would like to address a couple of issues that the Senator from California brought up, and then the Senator from Illinois.

First, to state very clearly what the Senator from California said, talking about the murder of abortionists and snipers firing at people, I am against murder. I think everybody who supports this legislation—and, frankly, everybody in this Chamber agrees—believes that acts of violence against anybody on the issue of abortion is counterproductive to an effort that seeks to affirm life. Certainly, taking the law into their own hands is an outrage, is offensive to me, is wrong, and should be prosecuted to the fullest extent of the law. There is no room in a movement that talks about nonviolence—and violence toward babies in utero—for condoning actions of violence of any sort, whether it is murder or attempted murder or destruction of property, et cetera. I don't stand here condoning that, and I would join with the Senator from California to condemn it and condemn it in the strongest words possible. That is no service to those who are trying to get the country's ear in defense of innocent human life.

I want to correct what the Senator from California said also about no court has found our language in this bill constitutional. That is not true. The court in Wisconsin has found this language to be constitutional. It is now being appealed to the Seventh Circuit. The law is enjoined upon appeal. But, again, we have a district court that has found this to be constitutional.

I would like to go through again, quoting from the Journal of the American Medical Association, an article printed in 1998, a year ago in August, by two obstetricians from Northwestern University, and go through again why this procedure—it keeps coming back to two issues, as the Senator from Illinois talked about.

One, the term is too vague. The definition is too vague.

I will be addressing that. Hopefully, in the next couple of days we will work on that, although I think, frankly, the definition is perfectly clear. We are willing to work and to see whether we can make it a little bit more definitive.

Second, that this may be necessary to protect the health of the mother, again, that is the discussion in which the Senator from Illinois and I were just engaged.

I want to restate again how overwhelming the evidence is of people who can definitively state without question that over 400 obstetricians around the country say it is never medically necessary.

C. Everett Koop—as the Senator from Illinois said, is never medically necessary. It is a pretty strong term to say it is never medically necessary.

What do we have on the other side? We have some anecdotes about cases where it was used, but in no case do they state that was the only option or that was the best option.

On our side we have the abortionist, Dr. Haskell from Ohio, who probably does more of these abortions than any other person. He says it is never—underline never—medically necessary to protect the life of the mother and not medically necessary to protect the health of the mother. The abortionist himself says that.

On the other side, we have the statement from the American College of Obstetricians and Gynecologists. That is the argument on the other side. This whole debate on health is centered around an organization that is very pro-abortion that says they put together a select panel that:

> . . . could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman.

This is an organization that opposes this bill. This is an organization they rely upon to hold on to the ''health exception.'' That is the cover behind not voting for this bill.

There are two arguments: Health of the mother—we need that, otherwise we can't vote for this if we don't have that—and it is too vague, the definition is too vague.

The organization they rely upon says they can:

. . . identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman and that an intact D&X, however—

This is what they hold on to—

. . . may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of the woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances, can make this decision.

That is their rationale. It ''may be,'' and we should ''leave it to the doctor and the patient.'' ''May be.'' OK, fine. It may be.

We have asked this organization to provide one circumstance—just one. By the way, we have asked them now for 3 years to give one circumstance where we can have peer review by obstetricians, have them look at their circumstance where this ''may be'' the best option. Give a hypothetical; give an example we can actually examine.

What is the answer from that organization? Nothing.

They say it ''may be.'' We can't say how, we can't give any evidence of it, but ''it may be.'' Because it may be—which is not substantiated—that is the health exception they need.

It is pretty lame. If they cannot come forward and give facts, we need a health exception because it ''may be,'' but if we cannot give circumstances where that is the case, where is the health exception?

They admit it is not the only way. The AMA has said it is not good medicine; it is a rogue procedure, and the AMA is a pro-choice organization. That is what their board votes.

Again, it is hard for me to argue against ''May be's,'' without specifics. That is what we have. Members are hiding behind ''we need a health exception because it may be.'' This is a debate about facts. We have hundreds and hundreds of physicians who say it may be never the best option; it will never be the best option; there are always better alternatives.

From the point of view of someone who is on the Senate floor and whose job it is to look at all the information, to be able to make a judgment, don't hide behind a health exception that doesn't exist and is not substantiated. Just because it is substantiated by anecdotes of people who used them because it happened to save them, that doesn't mean there weren't better options at the same time. Just because this worked to save the health of the mother doesn't mean there weren't better options.

Mr. President, 400 years ago we used to bleed people, and it probably helped some people, but that doesn't mean there weren't better options. We are saying, what is the best option? Why do we want the best option? This is not removing a tumor. This is killing a baby that is outside the mother. That is why we don't like this procedure.

This is not practicing medicine and telling doctors how to do their business. If this were about an ingrown toenail, we wouldn't care. This is about killing a living human being—about killing a living human being. I don't think anybody on the floor will argue with that. We are talking about killing a living human being. That is this far away from the Constitution saying ''no.'' This far.

I will read from this article the rationale given by these physicians as to why they believe this is not the best procedure for mothers from a health perspective.

There exist no credible studies on intact D&X—

This is a rogue procedure—

. . . that evaluate or attest to its safety. The procedure is not recognized in medical textbooks nor is it taught in medical schools or in obstetrics and gynecology residencies. Intact D&X poses serious medical risks to the mother. Patients who undergo an intact D&X—

Intact D&X is a partial-birth abortion as defined in the bill—

are at risk for the potential complications with any surgical midtrimester termination, including hemorrhage, infection, and uterine perforation. However, intact D&X places these patients at increased risk of two additional complications.

So a traditional late-term abortion has certain risks associated with it, according to these doctors from Northwestern University. But this procedure has two other complications in addition to the ones already inherent in a late-term abortion:

First, the risk of uterine rupture may be increased. An integral part of the D&X procedure is an internal podalic version, during which the physician instrumentally reaches into the uterus, grasps the fetus' feet, and pulls the feet down into the cervix, thus converting the lie to a footling breach. The internal version carries risk of uterine rupture, abruption, amniotic fluid embolus, and trauma to the uterus.

The second potential complication of intact D&X is the risk of iatrogenic laceration and secondary hemorrhage. Following internal version and partial breech extraction, scissors are forced into the base of the fetal skull while it is lodged in the birth canal. This blind procedure risks maternal injury from laceration of the uterus or cervix by the scissors and could result in severe bleeding and the threat of shock or even maternal death.

These risks have not been adequately quantified.

None of these risks are medically necessary because other procedures are available to physicians who deem it necessary to perform an abortion late in pregnancy. As ACOG policy clearly states, intact D&X is never the only procedure available. Some clinicians have considered intact D&X necessary when hydrocephalus is present.

Water on the brain.

However, a hydrocephalic fetus could be aborted by first draining the excess fluid from the fetal skull through ultrasound-guided . . . [procedures.] Some physicians who perform abortions have been concerned that a ban on late term abortions would affect their ability to provide other abortion services. Because of the proposed changes in federal legislation, it is clear that only intact D&X would be banned.

I can and I will, throughout the course of the next couple of days, provide letter after letter signed by hundreds and hundreds of obstetricians, the best in their field, perinatologists, people who deal with maternal and fetal medicine, who say this procedure is dangerous, more dangerous to a woman. So the issue of health is a bogus one. It is a bogus issue.

Again I go back to Warren Hern, the author of ''Abortion Practice,'' the author who does more third-trimester abortions, I am told, than anybody else in America. He says:

I have very serious reservations about this procedure. You really can't defend it. I would dispute any statement that this is the safest procedure to use.

This is not a fan of this bill. So, again, all these comments and concerns about ''we have to protect health, we have to protect health''—if we outlawed this procedure, we would be protecting health. We would be protecting the health of women where doctors who do it do it for the convenience of the abortionist.

Do you want to know why it is done? It is done for the convenience of the abortionist, because they can do more in 1 day. That is why this procedure was developed. That is what they will tell you. That is, the doctor who invented this procedure, he will tell you that is why he did it.

On the other issue—and we will get to this a little later in the debate—the issue of vagueness, the Senator from California said every court in the country that has ruled on this has ruled it is vague or ruled it is unconstitutional.

First off, that is not true. Wisconsin ruled in fact it is constitutional. But I am willing to work with those who have genuine concerns about the issue of vagueness, to get a definition that makes people perfectly comfortable that we are not talking about any other form of abortion because it is not my intent, as has been ascribed to me, that what I am trying to do is eliminate all second- and third-trimester abortions.

What is clear about this debate and the debate that has been going on now for three Congresses is that we are not trying to do that. I think we have stood on the floor and said that is not

our intent. Our intent is to get rid of a dangerous procedure. Yes, it is painful to the baby. Yes, it is dangerous to the mother. But it is also dangerous to our society, to be able to kill a baby that is this close to being born. I think it is something we have to stand up and draw the line on clearly, and that is what we are asking to do.

So to me it is pretty simple. We have no evidence this jeopardizes the health of the mother—none. We have speculation, no facts. We have the vagueness concern. Again, I am willing to work on that issue. If that is a genuine concern that people have, I am willing to work on it to make sure we can make people comfortable that what we are talking about is only this procedure.

But once you get past those two concerns, I do not know what is left. I do not know why you defend this. I do not know why you defend killing a baby this far away from being born who would otherwise be born alive. I do not know how you defend it.

So I look forward to this debate over the next couple of days. I know the Senator from California feels very passionately about this, but I think the issue of where we draw the line constitutionally is very important. I am sure the Senator from California agrees with me. I think the Senator from California would say that she and I, the Senator from Illinois, the Senators from Arkansas and Kansas, we are all protected by the Constitution with the right to life.

Would you agree with that, Senator from California? Do you answer that question?

Mrs. BOXER. I support the Roe v. Wade decision.

Mr. SANTORUM. Do you agree any child who is born has the right to life, is protected by the Constitution once that child is born?

Mrs. BOXER. I agree with the Roe v. Wade decision, and what you are doing goes against it and will harm the women of this country. And I will address that when I get the floor.

Mr. SANTORUM. But I would like to ask you this question. You agree, once the child is born, separated from the mother, that that child is protected by the Constitution and cannot be killed? Do you agree with that?

Mrs. BOXER. I would make this statement. That this Constitution as it currently is—some want to amend it to say life begins at conception. I think when you bring your baby home, when your baby is born—and there is no such thing as partial-birth—the baby belongs to your family and has the rights. But I am not willing to amend the Constitution to say that a fetus is a person, which I know you would. But we will get to that later. I know my colleague is engaging me in a colloquy on his time. I appreciate it. I will answer these questions.

I think what my friend is doing, by asking me these questions, is off point. My friend wants to tell the doctors in this country what to do. My friend from Pennsylvania says they are rogue doctors. The AMA will tell you they no longer support the bill. The American Nurses don't support the bill. The obstetricians and gynecologists don't support the bill. So my friend can ask me my philosophy all day; on my own time I will talk about it.

Mr. SANTORUM. If I may reclaim my time, first of all, the AMA still believes this is bad medicine. They do not support the criminal penalties provisions in this bill, but they still believe—I think you know that to be the case—this procedure is not medically necessary, and they stand by that statement.

I ask the Senator from California, again, you believe—you said ''once the baby comes home.'' Obviously, you don't mean they have to take the baby out of the hospital for it to be protected by the Constitution. Once the baby is separated from the mother, you would agree—completely separated from the mother—you would agree that baby is entitled to constitutional protection?

Mrs. BOXER. I will tell you why I don't want to engage in this. You had the same conversation with a colleague of mine, and I never saw such a twisting of his remarks.

Mr. SANTORUM. Let me be clear, then. Let's try to be clear.

Mrs. BOXER. I am going to be clear when I get the floor. What you are trying to do is take away the rights of women and their families and their doctors to have a procedure. And now you are trying to turn the question into, When does life begin? I will talk about that on my own time.

Mr. SANTORUM. If I may reclaim the time?

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Pennsylvania has the floor.

Mr. SANTORUM. What I am trying to do is get an answer from the Senator from California as to where you would draw the line because that really is the important part of this debate.

Mrs. BOXER. I will repeat. I will repeat, the Senator has asked me a question——

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mrs. BOXER. I am answering the question I have been posed by the Senator, and the answer to the question is, I stand by Roe v. Wade. I stand by it. I hope we have a chance to vote on it. It is very clear, Roe v. Wade. That is what I stand by; my friend doesn't.

Mr. SANTORUM. Are you suggesting Roe v. Wade covered the issue of a baby in the process of being born?

Mrs. BOXER. I am saying what Roe v. Wade says is, in the early stages of a pregnancy, a woman has the right to choose; in the later stages, the States have the right—yes—to come in and restrict. I support those restrictions, as long as two things happen: They respect the life of the mother and the health of the mother.

Mr. SANTORUM. I understand that.

Mrs. BOXER. That is where I stand. No matter how you try to twist it, that is where I stand.

Mr. SANTORUM. I say to the Senator from California, I am not twisting anything. I am simply asking a very straightforward question. There is no hidden question here. The question is——

Mrs. BOXER. I will answer it again.

Mr. SANTORUM. Once the baby is born, is completely separated from the mother, you will support that that baby has, in fact, the right to life and cannot be killed? You accept that; right?

Mrs. BOXER. I don't believe in killing any human being. That is absolutely correct. Nor do you, I am sure.

Mr. SANTORUM. So you would accept the fact that once the baby is separated from the mother, that baby cannot be killed?

Mrs. BOXER. I support the right—and I will repeat this, again, because I saw you ask the same question to another Senator.

Mr. SANTORUM. All the Senator has to do is give me a straight answer.

Mrs. BOXER. Define ''separation.'' You answer that question.

Mr. SANTORUM. Let's define that. Let's say the baby is completely separated; in other words, no part of the baby is inside the mother.

Mrs. BOXER. You mean the baby has been birthed and is now in the mother's arms? It is a human being? It takes a second, it takes a minute——

Mr. SANTORUM. Say it is in the obstetrician's hands.

Mrs. BOXER. I had two babies, and within seconds of them being born——

Mr. SANTORUM. We had six.

Mrs. BOXER. You didn't have any.

Mr. SANTORUM. My wife and I did. We do things together in my family.

Mrs. BOXER. Your wife gave birth. I gave birth. I can tell you, I know when the baby was born.

Mr. SANTORUM. Good. All I am asking you is, once the baby leaves the mother's birth canal and is through the vaginal orifice and is in the hands of the obstetrician, you would agree you cannot then abort the baby?

Mrs. BOXER. I would say when the baby is born, the baby is born and would then have every right of every other human being living in this country, and I don't know why this would even be a question.

Mr. SANTORUM. Because we are talking about a situation here where the baby is almost born. So I ask the question of the Senator from California, if the baby was born except for the baby's foot, if the baby's foot was inside the mother but the rest of the baby was outside, could that baby be killed?

Mrs. BOXER. The baby is born when the baby is born.

Mr. DURBIN. Will the Senator yield?

Mrs. BOXER. That is the answer to the question.

Mr. SANTORUM. I am asking for you to define for me what that is.

Mrs. BOXER. I can't believe the Senator from Pennsylvania has a question with it. I have never been troubled by this question. You give birth to a baby. The baby is there, and it is born, and that is my answer to the question.

Mr. SANTORUM. What we are talking about here with partial birth, as the Senator from California knows, is the baby is in the process of being born——

Mrs. BOXER. In the process of being born. This is why this conversation makes no sense, because to me it is obvious when a baby is born; to you it isn't obvious.

Mr. SANTORUM. Maybe you can make it obvious to me. What you are suggesting is if the baby's foot is still inside of the mother, that baby can then still be killed.

Mrs. BOXER. I am not suggesting that.

Mr. SANTORUM. I am asking.

Mrs. BOXER. I am absolutely not suggesting that. You asked me a question, in essence, when the baby is born.

Mr. SANTORUM. I am asking you again. Can you answer that?

Mrs. BOXER. I will answer the question when the baby is born. The baby is born when the baby is outside the mother's body. The baby is born.

Mr. SANTORUM. I am not going to put words in your mouth——

Mrs. BOXER. I hope not.

Mr. SANTORUM. But, again, what you are suggesting is if the baby's toe is inside the mother, you can, in fact, kill that baby.

Mrs. BOXER. Absolutely not.

Mr. SANTORUM. OK. So if the baby's toe is in, you can't kill the baby. How about if the baby's foot is in?

Mrs. BOXER. You are the one who is making these statements.

Mr. SANTORUM. We are trying to draw a line here.

Mrs. BOXER. I am not answering these questions.

Mr. SANTORUM. If the head is inside the mother, you can kill the baby.

Mrs. BOXER. My friend is losing his temper. Let me say to my friend once again—and he is laughing——

Mr. SANTORUM. I am not laughing.

Mrs. BOXER. Let me say, this woman is not laughing right now because if this bill was the law of the land, she might either be dead or infertile. So if the Senator wants to laugh about this, he can laugh all he wants.

Mr. SANTORUM. Reclaiming my time, Mr. President. All I suggest is I was not laughing about the discussions. It is a very serious discussion.

Mrs. BOXER. Well, you were.

Mr. SANTORUM. I was smiling at your characterization of my demeanor. I have not lost my temper. I think I am, frankly, very composed at this point. What I will say—and the Senator is walking away—is the Senator said, again, the baby is born when the baby is born. I said: If the foot is still inside the mother? She said: Well, no, you can't kill the baby. If the foot is inside, you can't, but if the head is the only thing inside, you can.

Here is the line. See this is where it gets a little funny.

Mrs. BOXER. Parliamentary inquiry, Mr. President. Let the RECORD show that I did not say what the Senator from Pennsylvania said that I did. Thank you.

Mr. SANTORUM. Mr. President, I hate to do this, but could we have the clerk read back what the Senator from California said with respect to that question?

I understand it will take some time for us to do that. I will be happy—

Mrs. BOXER. I say to my friend, I know what I said. I am saying your characterization of what I said is incorrect. I didn't talk about the head or the foot. That was what my colleague talked about. And I don't appreciate it being misquoted on the floor over a subject that involves the health and life of the women of this country and the children of this country and the families of this country.

Mr. SANTORUM. It also involves—and that is the point I think the Senator from California is missing—it also involves when in the process—that is why people on both sides of the abortion issue support this bill, because it also involves what is infanticide and what is not. A lot of people who agree with you on the issue of abortion say this is too close to infanticide. This is a baby who is outside the mother.

Again, I will not put words in the Senator's mouth, but what I heard—and again I am willing to have that corrected by the RECORD and the Senator can correct me right now—what I heard her say is if the foot is inside the mother, no, you cannot kill the baby, but when the head is, you can. That is a pretty slippery slope.

Mrs. BOXER. I say to my friend, what I said was I wasn't answering those questions. What the Senator was trying to do was to bait me on his terms of how he sees this issue.

We have a situation where this procedure is outlawed. It will hurt the women and the families of this country. My friend can disagree with that, but I never got into the issue of when is someone born. I said to you I am very clear on that, and I understand that completely, but it was my friend who kept on asking these questions, which to me do not make any sense because the issue here is an emergency procedure that my friend from Pennsylvania wants to make illegal, and it will hurt the women and it will hurt the families of this country.

Mr. SANTORUM. If I can reclaim my time, first off, the Senator from California said this was an emergency procedure. Name me an emergency procedure that takes 3 days. That is what the procedure takes. That is one of the things that was put forward early in the debate, now risen again, that this is somehow an emergency procedure. It is not an emergency procedure. It is a 3-day procedure.

No emergency do you present yourself in an emergency condition and get sent home with pills for 3 days to present yourself back.

Again, I want to finalize, and then the Senator from Arkansas has been waiting for quite sometime, and I want to allow him to speak. This is not a clean issue. This is not a removal of a tumor. We are talking about drawing the line between what is infanticide and what is abortion, and that is why many of us are disturbed about this. No one is trying to reach in and outlaw abortions.

The Senator from Illinois and I were very clear about the limited scope of this bill. What we are saying is, this is too close to infanticide. This is barbaric. This fuzzies the line that is dangerous for the future of this country. And what you saw, as the Senator from California was hesitant to get involved in that because she realizes how slippery this slope is, that you can say the foot does, the head doesn't, maybe the ankle—folks, we don't want to go there. It is not necessary for the health of the mother, it is not necessary for the life of the mother, and if you don't believe me, believe the person who developed it because they said so.

I think we need to have a full debate, not just on narrow issues, but on the broader issue of what this means to the rights of every one of us born and unborn, sick and well, wanted and unwanted. I think the line needs to be a bright one. I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I am pleased to rise in support of this legislation to ban the partial-birth abortion procedure. I commend the Senator from Pennsylvania for his passionate, eloquent, and articulate explanation in defense of this legislation.

I had the privilege of presiding during Senator SANTORUM's statement. I cannot say as well, I cannot say as passionately what the Senator from Pennsylvania said so very well in explaining the need for this legislation and why we are taking the time on the floor of the Senate to debate it and to vote on it. I am here so he might not stand alone, and he does not stand alone.

There will be better than 60 percent of the Senate voting for this legislation, and better than 80 percent of the

American people support a ban on this horrible procedure. But this is not a subject, it is not a topic, it is not an issue about which people like to talk. It is not something Senators feel comfortable coming down and talking about; it is not something I feel comfortable talking about, but I do think it is very important.

Once again, I commend my colleague for the leadership he has shown on this issue.

Mr. President, the Nation was shaken with a sense of disbelief over 5 years ago in 1994 when we discovered that a young mother in South Carolina, Susan Smith, had murdered her own children and then pretended they had been kidnapped.

In my home State of Arkansas, in recent days, a young woman in her ninth month of pregnancy was savagely attacked by three young men who had been hired by the woman's boyfriend and the father of her unborn child to force her to lose her baby. That was the reason he contracted with these thugs, to, in effect, murder that unborn child. They beat her with severe blows to her stomach and explicitly told her that their intent was to kill her child, a child the father did not want.

As we were dealing with the shock of this gruesome tragedy, we learned of a Memphis man who confessed to driving across the river last summer into the Arkansas Delta with his wife and throwing the couple's 18-month-old child down into a 15-foot levee, leaving the child to die a slow and painful death of exposure to the elements. After this horrific event, the same couple allegedly returned 3 days later and drowned their other child in a pond.

Last month, the Washington papers were filled with the news of a Maryland man who stands accused of killing his two small children and then reporting their deaths as the result of a carjacking.

Unfortunately, these kinds of incidents become all too frequent today. The list goes on and on.

The question I raise is, Are the tragedies I have recounted, and the scores of others that could be enumerated, related to the debate that we are having about partial-birth abortion?

I know there are people who will howl there is no connection. There will be people who would object strenuously to even the suggestion being made that the all-too-frequent violence toward children could be related to a society's permissive attitude toward a procedure that would allow a baby to be partially born and then killed.

But I would suggest that, in fact, there is a connection; that violence begets violence; that dehumanizing one part of mankind contributes to the dehumanizing of all vulnerable human beings—whether they are the disabled, whether they are the elderly, or whether they are the newborn.

Many Americans were shocked—I was shocked—to hear of the Princeton professor of bioethics, who was recently hired, assumed a seat on the faculty at Princeton University, one of our most distinguished universities—a professor of bioethics, ironically—who said:

> I do not think it is always wrong to kill an innocent human being. Simply killing an infant is never equivalent to killing a person.

A professor of bioethics, at a major American university, who can say that publicly and be defended.

The questions Senator SANTORUM posed a few moments ago to the Senator from California—well, Professor Singer would not have had difficulty in answering the questions that he posed. He simply says: It is not always wrong to kill an innocent human being. Killing an infant is not the equivalent of killing a person.

Is this where we are going?

This professor believes parents should be allowed, 28 days after the birth of a severely disabled child, to decide whether or not they want to kill the child or keep the child.

It was suggested earlier in the opening comments of the Senator from Pennsylvania that the debate we are having about this kind of procedure, 40 years ago, would have been unheard of in our society. No one can doubt that in this so-called age of enlightenment we have moved so far in what we view as acceptable in the area of taking the lives of those who are innocent.

I listened very closely to the objections to this legislation as I presided in the chair during the opening statements of both sides earlier today. It seemed to me that every issue that was raised in opposition to this legislation was an effort to divert attention from the horror of this procedure.

There was the issue of the timing of the vote. Whether this vote occurs this week or whether this vote would have occurred last week or next week does not change the horror of what we are talking about; it does not change the terrible nature of a procedure that kills a child that is partially born.

I think every objection that has been raised is an effort to turn our attention away, divert our attention away from that chart that Senator SANTORUM had on the floor earlier today, which was far from being a cartoon but was very similar to medical charts.

Then there was the objection that we were practicing medicine; that the Senate was seeking to practice medicine; that we should not make this decision; that it is a decision that should be made within the profession.

It was Thomas Jefferson who said—and I will say it as close to his words as I can: The first and fundamental purpose of Government is the protection of innocent human life.

There is no more fundamental goal and object of Government than the protection of its citizens, the protection of human life. We could not find a subject more relevant to what Government ought to be doing than this subject.

To say we should not be involved in it because it is a medical issue is simply an effort to divert us from what really is the issue; that is, whether human life should be protected by law or not.

It is always ironic to me that those who say Government should not be involved in this issue are the first to say Government should pay for this procedure, or at least abortions in general.

Then there was the argument that the courts may rule this unconstitutional; therefore we should not even be voting on this because the courts, and the Supreme Court eventually, might rule this legislation unconstitutional.

Isn't that ironic? Because I just listened to 4 days of debate in which the constitutionality of campaign finance reform proposals were argued on the floor of this Senate. No one said, well, we shouldn't even debate this proposal because the courts—in fact, the evidence is the courts have and will rule many portions of the so-called Shays-Meehan legislation unconstitutional as a violation of the first amendment—but it did not prevent us from having a healthy, prolonged debate about the need for campaign finance reform.

I think it is an absolute red herring to say: Well, ultimately when the Supreme Court makes a definitive ruling on this subject, they may or may not rule that it is constitutional. That, in no way, abrogates our responsibility to debate it and to pass legislation that we believe is not only constitutional but in the best interests of this country.

Then it was said: Well, we have had repeated votes on this before. We have had repeated votes on a lot of issues. The fact is, we have new Senators now. We are going to have some different votes. We voted repeatedly on campaign finance reform. It is a debate, I suspect, that will go on year after year.

Because we have voted on this legislation before is no reason that we should not, once again, raise what many believe is the fundamental moral issue facing our culture today; that is, the issue of life.

Senator SANTORUM so eloquently demonstrated the folly of where this ultimately leads. If killing an unborn child, who is partially delivered, with only his or her head still within the body of the mother, is legal, where then do we draw the line? Could we have a more basic, fundamental issue of gravity before this body than that? So time and time again we will hear, during the debate, the effort to take our attention away from where the focus should be, and that is unborn child and this horrible procedure.

Every effort will be made to bring up the timing of the vote, the issue of

whether or not this is in our purview, the practicing of medicine, which, of course, is very much within our purview, this issue of human life; the fact of what the courts have ruled or may yet rule on this or similar legislation—all of these are efforts to take the Nation's eyes off what this legislation is all about, and that is eliminating a barbaric, uncivilized procedure that no right-minded person can surely defend.

It is a Federal crime to harm a spotted owl or a bald eagle or even its egg, but a helpless infant, completely dependent on its mother, is not accorded the same protections we afford the spotted owl or the bald eagle.

In this body—I say to my colleagues who say we shouldn't take the time of the Senate to debate this issue—in this body, we debated an amendment to the Interior appropriations bill that would have prohibited the use of steel leg hold traps. Perhaps that was a debate we should have had, but I believe it pales in comparison to the gravity and the seriousness of the issue we are now debating. We would protect the spotted owl, the bald eagle, or the inhuman practice of steel leg hold traps, but we have trouble protecting infants who are pulled from their mother's womb by the legs and killed.

One of the finest writers in this Nation, I believe, hails from the State of Arkansas. He is a Pulitzer Prize-winning journalist whose name is Paul Greenberg. He is one of the most brilliant and, I think, articulate defenders of human life I have ever had the opportunity to read. I want to read for the record a couple of short paragraphs from the many columns this Pulitzer Prize winner has written:

> As always, verbal engineering has preceded social engineering. The least of these must be aborted in words before it becomes permissible to abort them in deed. Those whom we want out of the way must first be dehumanized or something within might hold us back.

I wonder why there was such objection to even the term ''partial-birth abortion.'' Clearly, it describes what this procedure is. I think the author, Mr. Greenberg, has said it right: We have to do the verbal engineering before we do the social engineering, because to use the term ''partial-birth abortion'' suggests the humanity of that child.

Then Greenberg wrote:

> What once would have inspired horror is now the mundane, even the scientific, the advanced, the enlightened. What once might have inspired dread is now sanctioned in the elastic name of constitutional right and individual freedom.

That is what we are hearing today. We are hearing the defense of an indefensible procedure, sanctioned in the elastic name of constitutional right and individual freedom. When a question is raised, it is simply: I support Roe v. Wade; that is our right. What an elastic right it has become, to defend under Roe v. Wade a procedure that no one, no civilized person, could suggest is either good medicine or humane practice.

I ask my colleagues to not be diverted from the issue but to think about the baby, think about the procedure, this horrible procedure, think about the pain that little baby feels, think about what kind of country we want to be.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I will make a unanimous consent request. I hope it is OK with my colleague from Pennsylvania. I would like to speak for 2 minutes. I would like to ask unanimous consent that following that, Senator WELLSTONE take 10 minutes and, following that, Senator LIEBERMAN be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. If I may amend that to say, following that, Senator BROWNBACK would be recognized after Senator LIEBERMAN.

Mrs. BOXER. Absolutely.

The PRESIDING OFFICER. If the Senator will repeat the understanding.

Mrs. BOXER. I will repeat it, as amended by my friend from Pennsylvania. It would be BOXER for 2 minutes, WELLSTONE for 10 minutes.

How much time would Senator LIEBERMAN like to have?

Mr. LIEBERMAN. Ten minutes is fine.

Mrs. BOXER. Ten minutes for Senator LIEBERMAN, at which time we would go to Senator BROWNBACK for 10 minutes. That is my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

Let me say, the Senator from Arkansas said the charge of government is to protect innocent life. We all want to protect every life. But when it comes to pregnancy, we do have a law that prevails in this country, which my friend may not agree with —I have a hunch he doesn't—called Roe v. Wade. It was decided in 1973. In that decision, the Court said when it comes to abortion, in the first trimester a woman has the right to choose, without any interference by the Government; and after that time, the States can regulate and restrict, but always the life of the woman and the health of the woman must be protected. That is Roe. That is, it seems to me, a very sound decision.

What we have in the Santorum bill is an out-and-out attack on that philosophy because there is no exception for health.

My friend from Illinois, Senator DURBIN, is trying to deal with that issue. I say to him, my compliments for working on his bill.

The bottom line for this Senator: I want to make sure if my daughter or anybody else's daughter is in an emergency situation, that the doctor or doctors do not have to open up the law books and decide whether or not they can do what is necessary to save the health and life of my daughter.

When one talks about innocent life, one must look at the faces involved. Here is a face of a beautiful young woman who wanted desperately to have children. I will tell her story later. She is an innocent person. Roe protects her; the Santorum bill leaves her out in the cold.

So the Senator from Pennsylvania can engage me in debates all he wants as to when I believe life begins and when I think a baby is born. To me, it is very obvious when a baby is born. When it leaves the mother, it is born. That is pretty straightforward.

I would prefer to leave the medical emergencies to the physicians. I think they know. This isn't a Roe procedure we are talking about. This is a procedure that the American College of Gynecologists and Obstetricians supports. They say they need it in their arsenal when they work to protect a woman's life and her health. The American Nurses Association—I could go on and on.

At this time, I yield the floor and will come back to this as often as we have to until this debate concludes.

I know Senator WELLSTONE has something to offer to the debate.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Senator from California. I shall be brief. First, I ask unanimous consent that I be included as an original cosponsor of the Durbin amendment.

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

Mr. WELLSTONE. Mr. President, I will describe the amendment one more time for those who are following this debate. I think it is important what the amendment says. It would ban all postviability abortions, except in cases where both the attending physician and an independent nontreating physician both certify in writing, in their medical judgment, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health, with then a very strict and very clear definition of ''grievous injury.'' That is what the amendment says.

It would actually reduce the number of late-term abortions. This legislation fits in with the constitutional parameters set forth by the Supreme Court for government restriction of abortion. This legislation retains the abortion option for mothers facing extraordinary medical conditions such as

breast cancer or non-Hodgkin's lymphoma. At the same time, this amendment clearly limits the medical circumstances where postviability abortions are permitted. By doing that, this legislation protects fetal life in cases where the mother's health is not at high risk.

I came to the floor to speak about this amendment because I believe the Durbin amendment is, if you will, where I am kind of within me. This is what I believe. I think it makes sense to move in this direction. I think it makes sense to set up a strict standard. I think it is terribly important, when we look at postviability abortions, to have this test, to have this standard that has to be met. I am certainly not going to vote for an amendment or a piece of legislation which is so open-ended that where there clearly are the medical circumstances, the life of a mother is threatened, she can't go forward with this procedure.

Here is why I come to the floor. I don't understand why those who want to see some change would not support this compromise. If you are interested, I say to my colleagues, in trying to make a difference, if you are concerned about some of these late-term abortions, if you think there ought to be a more stringent standard, then that is what this Durbin amendment says. If you are interested in passing legislation, if you are interested in making a change, if you are interested in passing a bill that isn't going to be vetoed by the President, if you are interested in passing legislation, as opposed to one more time going through this political war and making this a big political issue, then you ought to support this amendment.

There are some people from the other side who think this amendment is a mistake. They don't want to see this amendment pass. I think this amendment is reasonable. I think it is a compromise that makes sense. I think it deserves our support.

I actually will make this not at all personal in terms of what other Senators have said. It is simply not true that there aren't many people in the Senate who are not concerned, that don't share some of the concerns that have been reflected by speeches given on the floor. Sheila and I have three children, and we also were confronted with two miscarriages—6 weeks and over 4 months. Anybody who goes through that knows what this debate is all about. I also know it is about a woman, a mother, a family having their right to choose. I am very nervous about a State coming in and telling a family they are going to make this decision. But I also understand the concerns, especially the concerns—again, I go to the language about postviability abortions. But here we have an amendment that says it will ban this except in the cases where the attending physician and an independent, nontreating physician certify that, in their medical judgment, if you don't do this, then you are going to see a threat to the mother's life or she is going to risk grievous injury to her physical health.

Isn't that reasonable? I am so tired of the sharp drawing of the line and the polarization and the accusations and the emotion and the bitterness. Why don't we pass this amendment? It is a reasonable compromise.

For those who want to overturn Roe v. Wade, that is never going to happen. That is the law of the land. But if we want to make a difference and we have this concern, I think we should support this Durbin amendment. I come to the floor of the Senate to thank him for his effort. I am comfortable with this amendment. I think it would make a difference. I think it would meet some of the agonizing concerns that I and other Senators have. I am not about to support legislation that is so open ended that it makes no allowance at all for the health of a mother. That is my position.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized for 10 minutes.

Mr. LIEBERMAN. Mr. President, I rise to support the amendment offered by my colleague from Illinois, Senator DURBIN. The underlying bill and this amendment bring us back to these morally perplexing questions. We heard it in the sincerity of the speech by the Senator from Minnesota and the sincerity of all of my colleagues speaking on either side, for either of these approaches.

This problem, more than any I have confronted in my public life, seems to me to join our personal value systems, our personal understanding about profound philosophical medical questions, such as ''When does life begin?'' with our role as legislators, with our role as lawmakers, with the limits of what our capacities are in making law and, ultimately, of course, also with what the reality is that the courts have stated as they have applied our Constitution, as the ultimate arbiter of our values and our rights in this country.

I support this proposal of Senator DURBIN's because, once again, I think it actually will do what I believe most everybody—I would say everybody—in this Chamber would like the law to do, and that is to reduce the number of abortions that are performed. I support it also because I think it can be upheld as constitutional, and I sincerely and respectfully doubt the underlying proposal, the so-called Partial-Birth Abortion Act, will be upheld as constitutional.

I remember I first dealt with these issues when I was a State senator in Connecticut in the 1970s, after the Roe v. Wade decision was first passed down by the Supreme Court, and the swelter of conflicting questions: What is the appropriate place for my convictions about abortion, my personal conviction that potential life begins at conception and, therefore, my personal conviction that all abortions are unacceptable? How do I relate that to my role as a lawmaker, to the limits of the law, to the right of privacy that the Supreme Court found in Roe v. Wade?

This proposal that deals with partial-birth abortion, or intact dilation and extraction, brings us back once again to all of those questions. I have received letters from constituents in support of Senator SANTORUM's proposal. I have had calls and conversations with constituents and friends—people I not only respect and trust but love—who have urged me to support Senator SANTORUM's proposal.

When you hear the description of this procedure, it is horrific; it is abominable. There is a temptation, of course, to want to respond and do what the underlying proposal asks us to do in the law by adopting this law. And then I come back to my own personal opinion, which is every abortion, no matter when performed during pregnancy—this is my personal view—is unacceptable and is, in its way, a termination of potential life.

So as I step back and reach that conclusion, I have to place the proposal Senator SANTORUM puts before us and the one Senator DURBIN puts before us now in the context, one might say, of some humility of what the appropriate role for each of us is as lawmakers, what the appropriate role for this institution is as a lawmaking body, and what does the Court tell us is appropriate under the Constitution. I cannot reach any other conclusion, personally, than that Senator SANTORUM's proposal is not constitutional, that Senator DURBIN's is, and will, in fact, reduce the number of postviability abortions and, therefore, the number of abortions that are performed in our country.

That is why I have added my name as a cosponsor to Senator DURBIN'S proposal.

The courts have created well-defined boundaries for legislative action. Under Planned Parenthood versus Casey, the Supreme Court held that ''subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate, and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.'' Partial birth legislation has been challenged 22 times in the courts resulting in 19 injunctions. The court-imposed constraints must be reflected in legislative efforts if we are going to achieve our goal of reducing late-term abortions. Enacting legislation that courts have struck down time and again is unlikely to reduce abortions.

Most recently, of course, that conclusion was reached by the Eighth Circuit Court on September 24, little less than a month ago, when the court said:

Several states have enacted statutes seeking to ban ''partial-birth abortion.'' The precise wording of the statutes, and how far the statutes go in their attempts to regulate previability abortions, differ from state to state. The results from constitutional challenges to the statutes, however, have been almost unvarying. In most of the cases that reached the federal courts, the courts have held the statutes unconstitutional.

So the constitutional impediment to the proposal Senator SANTORUM makes is that, notwithstanding the horrific nature of the so-called partial-birth abortion, the intact dilation and extraction method of abortion, you cannot prohibit by law, according to the Supreme Court of the United States, any particular form of terminating a pregnancy at all stages of the pregnancy. You can prohibit almost all forms of terminating a pregnancy after viability. That is what the Durbin amendment will do.

Incidentally, viability as medical science has advanced, has become an earlier and earlier time in the pregnancy.

There are exceptions.

Incidentally, the language in the Durbin proposal is not full of loopholes. It is very strict and demanding. It requires a certification by a physician that the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health. Those are serious requirements not meant to create a series of loopholes through which people intending to violate the law can go.

As has been said, a new provision has been added to this amendment which requires that an independent physician who will not perform nor be present at the abortion, who was not previously involved in the treatment of the mother, can affirm the first physician's opinion by a certification in writing.

A physician who knowingly violates the act may be subject to suspension of license and penalties as high as $250,000.

The limitations are specific. They are narrow. And they are, if I may say so, inflexible. In that sense, they respond in the most narrow way to the health exception required by the Supreme Court.

This is such a good proposal which Senator DURBIN has offered that I hope we may come back to it at some other time when it is not seen by the proponents of Senator SANTORUM's legislation as a negation of that legislation because this amendment in that sense never gets a fair vote or a clear vote. I think if we brought it up on its own, perhaps it could allow us the common ground on this difficult moral question toward which I think so many Members of the Chamber on both sides aspire. I hope we can find the occasion to do that.

I thank the Chair. I thank my friend from Illinois for the work he has done in preparing this amendment and bringing it before us.

I yield the floor.

Mrs. BOXER. Mr. President, I know Senator BROWNBACK is going to speak.

The PRESIDING OFFICER. Senator BROWNBACK is recognized.

Mrs. BOXER. Will the Senator yield for a unanimous-consent request so that Senator MIKULSKI could follow the Senator?

Mr. BROWNBACK. I have no objection.

Mrs. BOXER. Mr. President, I ask unanimous-consent that Senator MIKULSKI follow Senator BROWNBACK and be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nebraska.

Mr. BROWNBACK. Thank you very much. I thank my colleague, Senator SANTORUM, for once again bringing this important issue in front of this body and to this floor.

Once again, I join Senator SANTORUM as an original cosponsor of this legislation to end partial-birth abortion in this country. Last year, the Senate failed to override the President's veto by three votes. President Clinton has twice vetoed similar measures in 1996 and 1997. We will continue, however, to raise this issue until the President signs this into law, or until this procedure is banned for forever.

I follow my colleague from Connecticut, who I rarely disagree with on matters of this nature. But this happens to be one of those which I do. I view this as an abhorrent procedure, as my colleague from Connecticut does as well. I also view it as a constitutional issue that we can raise, that we can deal with, and this body should deal with.

This goes to one of the most fundamental issues for us as a country, for us as a people, and that is when life begins and when it should be protected. These lives should be protected.

As I sat and listened to much of this discussion, I have to say I am sad as I listened to this discussion because it is so difficult, and it is such an awful thing—the birth of a child, and then it is killed by a blunt instrument.

I think some medical facts bear mentioning at this point in time.

Brain wave activity is detectable in human beings at 41 days after conception—just 41 days. A heartbeat is detectable 24 days after conception.

Consistently, State statutory or case law establishes a criteria of dead as the irreversible cessation of brain wave activity or spontaneous cardiac arrest.

In short, these are lives of individuals that are ended by this process. It is death. These are heartbeats and brain waves. They are stopped. They are denied life by this abhorrent procedure.

I would like to share some thoughts with you from a writer, a Jewish writer, Sandi Merl, when he was asked about this procedure of partial-birth abortion. He said this:

When I think of Partial-Birth Abortion, I hear only the first two words—''partial birth.'' To me, this procedure is not abortion. It is pre-term delivery followed by an act of destruction leading to a painful death . . . This is infanticide, clearly and simply, and must be stopped . . . This is about leaving no fingerprints when committing a murder of convenience.

That is why I will once again vote to end partial-birth abortion when it comes to the Senate floor. It is a cruel and shameless procedure which robs us of our humanity with every operation performed. It is not true that the anesthesia kills the child before removal from the womb. Instead, it is the fact that the baby is actually alive and experiences extraordinary pain when undergoing the operation.

Nor is this brutality only reserved for the most extreme circumstances. According to the executive director of the National Coalition of Abortion Providers, the ''vast majority'' of partial-birth abortions are performed in the fifth and sixth months of pregnancy on healthy babies of healthy mothers.

The facts speak for themselves. Bluntly put, this involves the death of a child in a brutal fashion, and all of it legally condoned by the current President of the United States.

Our institutionalized indifference to this extraordinary suffering makes me wonder, what has happened to our collective conscience as a nation? Are we really so callous that we knowingly condone this form of death for our very weakest, which we would never force on any adult, no matter how bad the crime? Even murderers on death row are given more consideration when executed. Yet our babies are painfully killed while conscious. This extraordinary cruelty should cause us to bow our heads in shame.

In a Wall Street Journal article, Peggy Noonan rightly labeled events such as that at Columbine High School as evidence of a much deeper problem, one she identified as the ''culture of death.'' Quoting Pope John Paul II from his recent visit to Mexico City, he urged a rejection of this increasingly influential culture of death, instead embracing the dignity and principles of life for everyone.

It is obvious, especially after the Columbine tragedy, that a culture of death is playing in our land. Lately, the volume has been turned up very loudly. The words to this song include the extremes we know now by heart: Excessively high murder rates, the repeated rampages of violence by schoolchildren against schoolchildren, the unending tawdriness of television programming and other media, to name only a few cultural malfunctions.

As Noonan went on to observe:

No longer say, if you don't like it, change the channel. [People] now realize something they didn't realize ten years ago: There is no channel to change to.

Perhaps our increasingly violent culture has dulled our consciences and worn us down to this place where it no longer is politically expedient to protest the obscene suffering of infants. This explains why we continue to tolerate such a brutal practice as partial-birth abortion—what a dreadful name. I hope it isn't so. It is to this conscience that I appeal. I appeal to those who recognize the suffering and do not turn their heads, who take personal responsibility to correct this course of destruction, no matter the political consequences.

Please, please, open your hearts and listen. Hear that voice in there, the cries of thousands of little children, saying: Hear me, let me live.

Every once in a while, something happens which shakes us from our dullness. I want to share an event reported in the Washington Times that described an incident in April of this year in Cincinnati where a botched partial-birth abortion resulted in the birth of a little girl who lived for 3 hours. It is reported that the emergency room technician rocked and sang to her. After the inevitable death of the baby, the staff members grieved so badly that hours were spent in counseling and venting to get over the emotional trauma of the incident. One person observed that the real tragedy is that no laws were broken.

I hope we will continue to let ourselves be troubled by this event and by this practice and instead of turning a cold heart to it or saying, ''I'm tied into a certain political position I can't change.'' I hope we will prayerfully consider and at night go and search ourselves and ask: Is this something we want to continue in America? Is this something I want to be a part of allowing to continue in America?

People of great tradition serve in this body who seek to protect and to serve the poorest of the poor and the weakest of the weak in our culture and society. They serve so admirably, and they speak glowingly about the need to protect those who are weakest. Yet, is it not this child in the womb who is the weakest of all in our society and in our culture? And that child cries right now. If we will just for a moment listen, we will hear the cry of that child. Can't we just for a moment turn from our locked in, dug in positions and say, OK, just for a moment I will listen, I will see if I can hear that small voice that is crying out to me: Just let me live. Let me have that God-given life that has been promised to me. Let me have that God-given life of which we speak so eloquently in our Declaration of Independence and our Constitution.

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life. . . .

Let's live. Let's stop this culture of death from going forward. Let's appeal to that inner voice that says let that life live.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak against the Santorum amendment and on behalf of the Durbin amendment of which I am a cosponsor. I wish to speak on the merits of the amendment, but I will say a few words before I debate the amendment about an issue the Senator from Kansas has raised. I have had the opportunity to get to know and so respect the position of the Senator from Kansas.

The Senator spoke about the culture of death. I believe we should have a debate on the culture of death here in the Senate. I believe it should occur among Members privately, when we are having conversations in the lunchroom. I believe one of the things we should do as we end this century, which has been such a ghoulish, grim, violent century, is think about how we can affirm a life-giving culture.

I speak to my colleague from Kansas with all due respect and a desire to work with him on those issues. The Pope, the leader of my own faith, and the Catholic bishops of America have spoken about the culture of death. They say when we choose life, it is ending all forms of violence—the violence of poverty, hunger, armed conflict, weapons of war, the violence of drug trafficking, the violence of racism, and the violence of mindless damage to our environment.

In other statements from both the Pope and the bishops, they speak out on famine, starvation, the spread of drugs, domestic violence, and the denial of health care.

I say to my colleagues in the Senate, when we think about a defense against the culture of death, we need a broader view. We are need to talk not only about one amendment or one procedure—which I say is quite grim—but also to talk about what we are going to do to address these other critical issues.

We rejected a judicial nomination last week because of the nominee's position on the death penalty. I don't know how we can be against the culture of death and yet vote against a distinguished man who makes serious, prudent, judicial decisions on certain death penalty cases.

We defeated an arms control treaty, with no real serious opportunity for full debate and development of side agreements. There were legitimate ''yellow flashing lights'' about the agreement that deserved thorough debate. But we rushed to a vote with only hasty, last minute hearings and no opportunity for complete investigation of the treaty.

I say to my colleagues, let's look at what we are going to do to protect our own families and how we can look at promoting a culture of life. I say that with sincerity. I say it with the utmost respect for people whose position I will disagree with on this amendment. We need to reach out to each other, think these issues through, and put aside message amendments, put aside tactical advantages, put aside partisan lines.

I say to my colleague from Kansas, I know he is deeply concerned about the issues of culture in our own country. Many of those issues I do share. I reach out and say to my colleagues, let's think through what we are doing.

Having said that, I rise to support the Durbin amendment. In this debate, I say to my colleagues, the first question is: Who really should decide whether someone should have an abortion or not? I believe that decision should not be made by government. I believe when government interferes in decisionmaking, we have ghoulish, grim policies.

Look at China, with their one child/one family official practice. The government of China mandated abortions.

Look at Romania under the vile leadership of Ceausescu, who said any woman of childbearing age had to prove she was not on any form of birth control or natural method. They were mandated to have as many children as they could.

I don't want government interfering. I think government should be silent. We have a Supreme Court decision in Roe v. Wade. We should respect that decision. I think it is in the interests of our country that government now be silent on this. We should move forward. Medical practitioners should make decisions on medical matters. It should not be left up to politicians with very little scientific or theological training.

There is a substantial difference on when life begins. Science and theologians disagree on this. Some say at the moment of conception. St. Thomas Aquinas, in my own faith, said the soul comes into a male in 6 weeks, but it takes 10 weeks for the soul to enter the body of a woman. We would take issue with Thomas Aquinas on that. Our Supreme Court said that given conflicting scientific viewpoints, fetal viability should determine to what extent a state may limit access to abortion.

The Durbin amendment is consistent with the Court's framework. It would ban all post-viability abortions except when the life or health of the woman is at risk. The Durbin amendment provides clear guidelines, which are narrowly but compassionately drawn, to allow doctors to use a variety of procedures, based on medical necessity in a particular woman's situation. It must

be medically necessary in the opinion of not one but two doctors. Both the doctor who recommends this as a procedure and then an independent physician must certify that this is the medically necessary and appropriate course for a particular woman facing a health crisis.

This is why I think the Durbin amendment is a superior amendment. It acknowledges the grave seriousness of the possibility of a medical crisis in a late-term pregnancy that can only be resolved with the family and the physician. To single out only one procedure means other procedures could be used, equally as grim. What we want to do is preserve the integrity of the doctor-patient relationship, and make sure there is no loophole, by requiring two physicians to independently evaluate the woman's medical needs.

So I believe the Durbin amendment is a superior way to address this most serious issue, and I intend to support the Durbin amendment. I recommend to my colleagues that they, too, give the Durbin amendment serious consideration.

Let me say again what I think this debate is about. I believe it is about the right of women facing the most tragic and rare set of complications affecting her pregnancy to make medically appropriate or necessary choices.

This is not a debate that should take place in the U.S. Senate. This is a discussion that should remain for women, their health care providers, their families and their clergy. The Senate has no standing, no competency and no business interfering in this most private and anguishing of decisions a woman and her family can possibly face.

That is why I so strongly oppose the Santorum bill. It would violate to an alarming degree the right of women and their physicians to make major medical decisions.

And that is why I rise in strong support of the Durbin amendment. I support the Durbin alternative for four reasons.

First, it respects the constitutional underpinnings of Roe v. Wade.

Second, it prohibits all post-viability abortions.

Third, it provides an exception for the life and health of a woman which is both intellectually rigorous and compassionate.

Finally, it leaves medical decisions in the hands of physicians—not politicians.

The Durbin alternative addresses this difficult issue with the intellectual rigor and seriousness of purpose it deserves. We are not being casual. We are not angling for political advantage. We are not looking for cover.

We are offering the Senate a sensible alternative—one that will stop post-viability abortions, while respecting the Constitution. We believe that it is an alternative that reflects the views of the American people.

The Durbin amendment respects the Supreme Court's ruling in the Roe v. Wade decision. When the Court decided Roe, it was faced with the task of defining ''When does life begin?'' Theologians and scientists differ on this. People of good will and good conscience differ on this.

So the Supreme Court used viability as its standard. Once a fetus is viable, it is presumed to have not only a body, but a mind and spirit. Therefore it has standing under the law as a person.

The Roe decision is quite clear. States can prohibit abortion after viability, so long as they permit exceptions in cases involving the woman's life or health. Let me be clear. Under Roe, states can prohibit most late term abortions. And many states have done so.

In my own state of Maryland, we have a law that does just that. It was adopted by the Maryland General Assembly and approved by the people of Maryland by referendum. It prohibits post viability abortions. As the Constitution requires, it provides an exception to protect the life or health of the woman.

Like the Maryland law, the Durbin alternative respects that key holding of Roe. It says that after the point of viability, no woman should be able to abort a viable fetus. The only exception can be when the woman faces a threat to her life or serious and debilitating risk to her health.

The bill before us—the Santorum bill—only bans one particular abortion procedure at any point in a pregnancy. By violating the Supreme Court's standard on viability, this language would in all probability be struck down by the courts.

In fact, this language has already been struck down in many states because of this very reason. The proponents of the legislation know this.

The Durbin alternative, though, bans all post viability abortions. It doesn't create loopholes by allowing other procedures to be used.

I believe there is no Senator who thinks a woman should abort a viable fetus for a frivolous, non-medical reason. It does not matter what procedure is used. It is wrong, and we know it.

The Durbin alternative bans those abortions. It is a real solution.

On the other hand, S. 1692, proposed by Senator Santorum and others, does not stop a single abortion. For those who think they support this approach, know that it is both hollow and ineffective.

S. 1692 attempts to ban one particular abortion procedure. All it does, though, is divert doctors to other procedures. Those procedures may pose greater risks to the woman's health. But let me be clear—late term abortions would still be allowed to happen. And for that reason, the Santorum approach is ineffective.

The Durbin amendment provides a tough and narrow health exception that is intellectually rigorous, but it is compassionate as well. It will ensure that women who confront a grave health crisis late in a pregnancy can receive the treatment they need.

The Amendment defines such a crisis as a ''severely debilitating disease or impairment caused or exacerbated by pregnancy.'' And we don't leave it up to her doctor alone. We require that a second, independent physician also certify that the procedure is the most appropriate for the unique circumstances of the woman's life.

But I want to be very clear in this. The Durbin amendment does not create a loophole with its health exception. We are not loophole shopping when we insist that an exception be made in the case of serious and debilitating threats to a woman's physical health. This is what the Constitution requires and the reality of women's lives demands.

Let's face it, women do sometimes face profound medical crises during pregnancy. Some of these traumas are caused or aggravated by the pregnancy itself. I'm referring to conditions like severe hypertension or heart conditions.

I'm referring to pre-existing conditions—like diabetes or breast cancer—that require treatments which are incompatible with continuing pregnancy. Would anyone argue that these are not profound health crises?

The Durbin amendment recognizes that to deny these women access to the abortion that could save their lives and physical health would be unconscionable. When the continuation of the pregnancy is causing profound health problems, a woman's doctor must have every tool available to respond.

I readily acknowledge that the procedure described by my colleagues on the other side is a grim one. I do not deny that. But there are times when the realities of women's lives and health dictates that this medical tool be available.

I support the Durbin alternative because it is leaves medical decisions up to doctors—not legislators. It relies on medical judgement—not political judgement—about what is best for a patient.

Not only does the Santorum bill not let doctors be doctors, it criminalizes them for making the best choice for their patients. Under this bill a doctor could be sent to prison for up to two years for doing what he or she thinks is necessary to save a woman's life or health. I say that's wrong.

In fact, those who oppose the Durbin amendment say it is flawed precisely because it leaves medical judgements up to physicians.

Well, who else should decide? Would the other side prefer to have the government make medical decisions? I disagree with that. I believe we should not

substitute political judgement for medical judgement.

We need to let doctors be doctors. This is my principle whether we are talking about reproductive choice or any health care matter.

Physicians have the training and expertise to make medical decisions. They are in the best position to recommend what is necessary or appropriate for their patients. Not bureaucrats. Not managed care accountants. And certainly not legislators.

The Durbin alternative provides sound public policy, not a political soundbite. It is our best chance to address the concerns many of us have about late term abortions. The President has already vetoed the Santorum bill and other similar legislation in earlier Congresses. I believe he will veto it again.

But today we have a chance to do something real. We have an opportunity to let logic and common sense win the day. We can do something which I know reflects the views of the American people.

Today we can pass the Durbin amendment. We can say that we value life and that we value our Constitution. We can make clear that a viable fetus should not be aborted. We can say that we want to save women's lives and women's health. The only way to do all this, Mr. President, is to vote for the Durbin amendment.

I urge my colleagues to support the Durbin amendment.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2320 TO THE TEXT INTENDED TO BE STRICKEN BY AMENDMENT 2319

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2320 to the text intended to be stricken by amendment 2319.

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

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. . SENSE OF CONGRESS.

It is the Sense of the Congress that, consistent with the rulings of the Supreme Court, a woman's life and health must always be protected in any reproductive health legislation passed by Congress.

AMENDMENT NO. 2321 TO AMENDMENT NO. 2320

(Purpose: To express the sense of the Congress in support of the Supreme Court's decision in Roe v. Wade)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendment numbered 2321 to amendment No. 2320.

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS CONCERNING ROE V. WADE.

(a) FINDINGS.—Congress finds that—

(1) reproductive rights are central to the ability of women to exercise their full rights under Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe v. Wade* (410 U.S. 113 (1973));

(3) the 1973 Supreme Court decision in *Roe v. Wade* established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy; and

(4) women should not be forced into illegal and dangerous abortions as they often were prior to the *Roe v. Wade* decision.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) *Roe v. Wade* was an appropriate decision and secures an important constitutional right; and

(2) such decision should not be overturned.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HARKIN. I will ask it again, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HARKIN. Mr. President, I believe I had the floor. I had the floor.

The PRESIDING OFFICER. The Chair will note the Senator lost the floor when he asked for the yeas and nays.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. HARKIN. Mr. President, I withdraw my request for the yeas and nays.

The PRESIDING OFFICER. The question is on the amendment.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the amendment I have offered will basically express the sense of the Congress in support of the Supreme Court's decision in Roe v. Wade. With all of the amendments that keep coming up and trying to chip away at Roe v. Wade, Senator BOXER and I decided that it was important for us to see if there was support in the Congress for Roe v. Wade.

I know there are some groups around the United States that believe Roe v. Wade should be overturned. I do not believe that. I think it was an eminently wise decision. As time goes on, and as we reflect back, the decision enunciated by Justice Blackmun becomes more and more profound and more elegant in its simplicity and its straightforwardness.

However, it seems as we get wrapped up in these emotionally charged debates on partial birth abortion, we lose sight of what it is that gave women their full rights under the laws of our Nation and our States.

I was interested a couple of minutes ago in what Senator MIKULSKI pointed out; that the eminent theologian, St. Thomas Aquinas, had basically stipulated that in soul man—that is the putting of the soul in the human body—occurred 6 weeks after conception for a man but 10 weeks after conception for a woman. That was a theology that held for a long time.

I studied Saint Thomas Aquinas when I was in Catholic school. He was an eminent theologian, as I said. We look back and we say: That is ridiculous. The very division of 6 weeks for a man and 10 weeks for a woman is kind of ridiculous. Medical science has progressed. We know a lot of things they did not know at that time. What will we know 50 years from now that we do not know today?

Women, through the centuries, as we have developed more and more the concept of the rights of man—and I use man in the terms of mankind, all humans, the human race—that as we enlarge the concept of human rights—those rights we have that cannot legitimately be interfered with or trespassed upon by the power of any government—as we progressed in our thinking about those human rights, all too often women were left out of the equation.

It was not until recent times, even in our own country, that women had the right to own property. It was not until recent times that women even had the right to vote in this country, not to say what rights are still denied women in other countries around the globe.

As we progressed in our thinking of human rights, we have come a long way from Thomas Aquinas who said that for some reason a man gets a soul a lot earlier than a woman gets a soul. Yes, we've come a long way.

I believe our concept of human rights now is basically that human rights applies to all of us, regardless of gender, regardless of position at birth, regardless of nationality or station in life, race, religion, nationality; that human rights inure to the person.

One of the expansions of those human rights was for women to have the right to choose. After all, it is the female who bears children. That particular right inures to a woman. It was the particular genius of Roe v. Wade that Justice Blackmun laid out an approach to reproductive rights that basically guarantees to the woman in the first

trimester a total restriction on the State's power to interfere with that decision. In the second trimester, the State may, under certain inscriptions, interfere. And in the third trimester, after the further decision of the Casey case, the States may interfere to save the life or health of the mother.

We have a situation now where women in our country are given—I should not use the word ''given''—but have attained their equal rights and their full human rights under law.

That was Roe v. Wade. Since that time, many in the legislatures of our States and many in this legislature, the Congress of the United States—the House and the Senate—have sought repeatedly to overturn Roe v. Wade; if not totally to overturn it, but to chip away at it—a little bit here, a little bit there, with the final goal to overturn Roe v. Wade.

According to CRS, only 10 pieces of legislation were introduced in either the House or Senate before the Roe decision. Since 1973, more than 1,000 separate legislative proposals have been introduced. The majority of these bills have sought to restrict abortions.

Unfortunately, what is often lost in the rhetoric and in some of this legislation—is the real significance of the Roe decision.

The Roe decision recognized the right of women to make their own decisions about their reproductive health. The decision whether to bear a child is profoundly private and life altering. As the Roe Court understood, without the right to make autonomous decisions about pregnancy, a woman could not participate freely and equally in society.

I do not believe that any abortion is desirable—nobody does. As Catholic and a father, I've struggled with it myself. However, I do not believe that it is appropriate to insist that my personal views be the law of the land.

I think there are some things that Congress can do to prevent unintended pregnancy and reduce abortion by increasing funding for family planning, mandating insurance coverage for contraception and supporting contraception research.

Mr. President, I strongly urge my colleagues to support this resolution. I believe it would establish the one important principle that we can agree on—that despite the difference in our views, we will not strip away a woman's fundamental right to choose.

So I think we need to make it clear, we need to make it clear that we have no business—especially we in the Congress of the United States—have no business interfering with a woman's fundamental right to choose.

Mrs. BOXER. Would my friend yield for a question?

Mr. HARKIN. Without losing my right to the floor, I would be delighted to yield for a question.

Mrs. BOXER. I am very grateful to the Senator from Iowa for this amendment. It is interesting to me; in all the years I have been in the Senate, we have never had a straight up-or-down vote on whether this Senate agrees with the Supreme Court decision that gave women the right to choose.

Mr. HARKIN. Yes.

Mrs. BOXER. So I am very grateful to my friend for giving us a chance to talk about that because I wonder if my friend was aware that prior to the legalization of abortion, which is what Roe did in 1973, the leading cause of maternal death in this Nation was illegal abortion. Was my friend aware of that?

Mr. HARKIN. Yes, I was. I didn't know the exact figure, but I knew many women died or were permanently injured and disabled because of illegal abortions performed in this country—because they had no other option.

Mrs. BOXER. Exactly.

Mr. HARKIN. I say to my colleague from California, I want to thank her for her stalwart support and defense of Roe v. Wade through all these years. I follow in her footsteps, I can assure you. But I remember as a kid growing up in a small town in rural Iowa, that it was commonplace knowledge, if you had the money, and you were a young woman who became pregnant, you could go out of State; you could go someplace and have an abortion. But if you were poor and had nowhere else to go, you went down to sought out someone who would do an illegal abortion. Those are the women who suffered and died and were permanently disfigured.

Mrs. BOXER. I say to my friend, I remember those days. Further, even when women who did have the wherewithal, sometimes they resorted to a back-alley abortion and paid the money——

Mr. HARKIN. Sure.

Mrs. BOXER. Under the table and risked their lives and their ability to have children later and were scarred for life.

Mr. HARKIN. Sure

Mrs. BOXER. So the Roe v. Wade decision, as my friend has pointed out, in his words, was an ''elegant decision.'' And why does he say that? Because it did balance the mother's rights with the rights of the fetus. Because it said, previability, the woman had the unfettered right to choose and in the late-term the State could regulate.

Roe v. Wade was a ''Solomon-like'' decision in that sense. I again want to say to my friend, I greatly appreciate him offering this second-degree amendment to my amendment. I think it is important for us to support Roe v. Wade in this Congress. I think if we do, it will be a relief to many women and families in this country who are concerned that that basic right might be taken away because there are many people running for the highest office in the land who do not support Roe, who want to see it overturned, who might well appoint Judges to the Court who would take away this right to choose, which is hanging by a thread in Court as it is. So I, most of all, thank my friend for offering this amendment.

Mr. HARKIN. I thank the Senator from California. I thank her for the question. I will elaborate on that in just a minute.

Again, I say to the Senator from California, we do need to send a strong message that the freedom to choose is no more negotiable than the freedom to speak or the freedom to worship. It is nonnegotiable.

This ruling of Roe v. Wade has touched all of us in very different ways. As the Senator from California just pointed out, it is estimated that as many as 5,000 women died yearly from illegal abortions before Roe.

In the 25 years since Roe, the variety and level of women's achievements have reached unprecedented levels. The Supreme Court recently observed:

> The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives.

I will also quote Justices O'Connor, Kennedy, and Souter in the Casey case:

> At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.

I think that is what this is all about—whether we will use the heavy hand of the State to enforce certain individuals' concepts of when life begins, how life begins, when can a person have an abortion, when can a person not. People are divided on this issue. Some people are uncertain about it. I quarrel with myself all the time about it because it is as multifaceted as there are individual humans on the face of the Earth.

I would not sit in judgment on any person who would choose to have an abortion, especially a woman who went through the terrifying, agonizing, soul-wrenching procedure of having a late-term abortion because her health and her life was in danger. That must be one of the most soul-wrenching experiences a person can go through.

And you want me to sit in judgment on that? The Senator from Pennsylvania wants to be able to say: Here it is. You can't deviate from that. I am sorry; that is not our role; that is not the role of the Government or the State.

That is why, again, I believe it is particularly important that we cut through the fog that surrounds this issue and get to the heart of it, which is Roe v. Wade.

I used the word ''elegant.'' It means simplistic, simplicity. Elegant: Not

convoluted, not hard to understand, not shrouded and complex, but elegant, straightforward, simple in its definition. That is Roe v. Wade.

There are now those who want to come along and change it and make it complex, indecipherable, benefiting maybe one person one way, adding to the detriment of another person another way, so that we are right back where we were before Roe v. Wade.

So I believe very strongly that we need to express ourselves on this sense-of-the-Senate resolution. That is why I will be asking for a rollcall vote at the appropriate time because it is going to be important for us to send a message on how important it is to preserve a woman's fundamental right to choose under Roe v. Wade.

Mr. DURBIN. Will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield for a question.

Mr. DURBIN. I want to make sure it is clear, for those who may be following this debate, that the underlying bill is the Santorum bill, which would ban a particular procedure at any point in the stage of pregnancy.

Mr. HARKIN. Right.

Mr. DURBIN. This type of approach has been stricken, I believe, in 19 different States as unconstitutional.

I offered a substitute which related strictly to late-term abortions, those occurring after viability, after a fetus could survive, and said that we would only allow an abortion in an emergency circumstance where the life of the mother was at stake or the situation where continuing the pregnancy ran the risk of grievous physical injury to the mother. I believe, of course, the Court will, if it comes to that, ultimately decide what I have offered, being postviability, is consistent with Roe v. Wade which drew that line. Before that fetus is viable and can survive outside the womb, the woman has certain rights. When the viability occurs, then those rights change, according to Roe v. Wade.

To make sure I understand, the Senator from Iowa is offering an amendment that is not antagonistic to my amendment but, rather, wants to put the Senate on record on the most basic question about Roe v. Wade as to whether or not the Senate supports it.

My question to the Senator is this: Is the Senator saying in his amendment, in the conclusion of the amendment, Roe v. Wade was an appropriate decision and secures an important constitutional right, and such decision should not be overturned—that is the conclusion of his amendment—is he saying that if we are to keep abortion legal in this country and safe under Roe v. Wade, we vote for his amendment and those who believe abortion should be outlawed or prohibited or illegal would vote against his amendment? Is that the choice?

Mr. HARKIN. The Senator from Illinois has stated it elegantly, very simply and straightforward. That is the essence of the amendment, and the Senator is correct. Voting on the amendment, which I offered, a vote in favor of my amendment would be a vote to uphold Roe v. Wade and a woman's right to choose. A vote against it would be a vote to overturn Roe v. Wade and to take away a woman's right to choose.

The amendment I have offered would be consistent with the amendment offered by the Senator from Illinois.

Mr. DURBIN. I thank the Senator from Iowa.

A further question to the Senator from Iowa, if he will yield. The Senator is from a neighboring State. There are many parts of Iowa that look similar to my State, particularly in downstate Illinois. On this controversial issue—there are those who have heartfelt strong feelings against abortion, Roe v. Wade; those who have heartfelt strong feelings on the other side in support of a woman's right to choose and Roe v. Wade—I have found the vast majority of people I meet somewhere in between. It is my impression most people in America have concluded abortion should be safe and legal, but it should have some restrictions. I ask the Senator from Iowa, has the Senator from Iowa had that same experience in his State of Iowa?

Mr. HARKIN. I answer the Senator affirmatively. I have had that same experience, yes.

Mr. DURBIN. If I might further ask the Senator from Iowa a question, what he is saying is this vote on the Harkin amendment tries to answer the first and most basic question: Should abortion procedures in America remain safe and legal, consistent with Roe v. Wade, should we acknowledge a woman's right of privacy and her right to choose with her physician and her family and her conscience as to the future of her pregnancy within the confines of Roe v. Wade? That is the bottom line, is it not, of his amendment?

Mr. HARKIN. The Senator is absolutely correct.

Mr. DURBIN. I say to the Senator, in closing, I think this is an important vote. I think we have walked around this issue in 15 different directions in the time I have served on Capitol Hill. I commend the Senator from Iowa for offering this amendment. I think it gets to the heart of the question as to those who would basically outlaw abortion in America and those who believe Roe v. Wade should be continued.

Mr. HARKIN. I thank my colleague and friend from Illinois for enlightening this issue and for clearly drawing what this amendment is all about.

Again, a vote in favor of the amendment which I have offered states we will support Roe v. Wade, that Roe v. Wade should be the law, that a woman's right to choose should be kept under the provisions of Roe v. Wade, as further elaborated in the Casey case. A vote against my amendment would say you would be in favor of overturning Roe v. Wade and taking away a woman's fundamental right to choose.

I agree with the Senator from Illinois.

In closing my remarks, knowing others want to speak, the Roe decision recognized the right of women to make their own decisions about their reproductive health. The decision is a profoundly private, life-altering decision. As the Roe Court understood, without the right to make autonomous decisions about pregnancy, a woman could not participate freely and equally in our society.

I think there are some things we ought to be doing to prevent unintended pregnancies and reduce abortions. We could, for example, increase funding for family planning. Every time we try to do that, there are those who are opposed to increasing funding for family planning. We could mandate insurance coverage for contraception. That could help. But, no, there are those who say we shouldn't do that either. We could have more support for contraception research. There are those who say, no, we shouldn't do that either. And those who are opposed, by and large, to increasing funding for family planning and insurance coverage for contraception and contraception research are the same ones who want to overturn Roe v. Wade or take away a woman's right to have a late-term abortion in the case of grievous health or life-threatening situations.

A little bit off the subject of Roe v. Wade, but which I think is particularly important to point out, is that Saturday, October 23, 3 days from today, will mark the 1-year anniversary of the assassination of Dr. Barnett Slepian, who was murdered in his home in Amherst, NY, 1 year ago this Saturday. As most are aware, there have been five sniper attacks on U.S. and Canadian physicians who perform abortions since 1994. Each of these attacks has occurred on or close to Canada's Remembrance Day, November 11.

All of the victims in these attacks were shot in their homes by a hidden sniper who used a long-range rifle. Dr. Slepian tragically was killed. Three other physicians were seriously wounded in these attacks.

I am reading a letter sent to the majority leader, Senator LOTT, dated October 18, signed by the executive director of the National Abortion Federation, the president of Planned Parenthood Federation of America, the executive director of the American Medical Women's Association, the executive director of Medical Students for Choice, the president and CEO of the Association of Reproductive Health Professionals, and the executive director of Physicians for Reproductive Choice

and Health. All of these signed the letter to Senator LOTT spelling out what I said. The letter goes on:

Federal law enforcement officials are urging all women's health care providers, regardless of their geographic location, to be on a high state of alert and to take appropriate protective precautions during the next several weeks. Security directives have been issued to all physicians who perform abortions for clinics or in their private practices, and to all individuals who have been prominent on the abortion issue.

Senator Lott, on behalf of our physician members, and in the interest of the public safety of the citizens of the US and Canada, we urge you to reconsider the scheduling of a floor debate on S–1692 at this time. As you are aware, each time this legislation has been considered, extremely explicit, emotional and impassioned debate has been aroused.

We have grave fears that the movement of this bill during this particularly dangerous period has the potential to inflame anti-abortion violence that might result in tragic consequences.

We sincerely hope that you will take the threats of this October-November period as seriously as we do, and that you will use your considerable influence to ensure that the Senate does not inadvertently play into the hands of extremists who might well be inspired to violence during this time. We urge you to halt the movement of S. 1692. Please work with us to ensure that the senseless acts of violence against U.S. citizens are not repeated in 1999.

I ask unanimous consent that the full text of this letter be printed in the RECORD.

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

OCTOBER 18, 1999.

Hon. TRENT LOTT,
United States Senate,
Washington, DC.

DEAR SENATOR LOTT: Saturday, October 23, will mark the one-year anniversary of the assassination of Dr. Barnett Slepian, who was murdered in his home in Amherst, New York. As you are undoubtedly aware, there have been five sniper attacks on U.S. and Canadian physicians who perform abortions since 1994. Each of these attacks has occurred on or close to Canada's Remembrance Day, November 11. All of the victims in these attacks were shot in their homes by a hidden sniper who used a long-range rifle. Dr. Slepian was killed. Three other physicians were seriously wounded in these attacks.

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VICKI SAPORTA,
Executive Director, National Abortion Federation.
EILEEN MCGRATH, JD, CAE,
Executive Director, American Medical Women's Association.
WAYNE SHIELDS,
President and CEO, Association of Reproductive Health Professionals.
GLORIA FELDT,
President, Planned Parenthood Federation of America.
PATRICIA ANDERSON,
Executive Director, Medical Students for Choice.
JODI MAGEE,
Execuvite Director, Physicians for Reproductive Choice and Health.

Mr. HARKIN. Mr. President, there is one other thing I want to mention. I am going to read a letter because this person is a personal friend of mine, someone I have gotten to know over the years. I believe the Senator from California has a picture of Kim Koster. I ask a page to bring me the picture back here, if I may have that.

This photo is Kim Koster and her husband, Dr. Barrett Koster. They are both friends of mine, whom I have known for I guess about 3 or 4 years. I am going to read her letter in its entirety:

My name is Kim Koster. My husband, Dr. Barrett Koster, and I have been married for more than seven years. We have known since before we were married that we wanted very much to have children.

To our joy, in November of 1996 we discovered that we were expecting. The news was a thrill, to us and to our family and friends. We were showered with gifts and hand-me-downs, new toys, books and love. Barry's family gave us a 19th-century cradle which had rocked his family to sleep since before his grandmother Sophie was born more than 100 years ago.

Our first ultrasound was scheduled a little more than four months into the pregnancy. On Thursday, February 20, we saw our baby and spent five short minutes rejoicing in the new life, and then the blow fell. The radiologist informed us that he had ''significant concerns'' about the size of the baby's head. His diagnosis was the fatal neural tube defect known as anencephaly, or the lack of a brain. After four months of excitement and joy, our world came crashing down around us.

Once the diagnosis was made, there was no further medical treatment available for me in our hometown, and we were referred to the University of Iowa Hospitals and Clinics in Iowa City. Our first OB appointment there was set for Monday morning. My husband and I spent that long weekend, the longest of our lives, doing research on anencephaly, talking with family and friends, and hearing personal stories about the fate of anencephalic babies.

In Iowa City, a genetics OB specialist examined a new ultrasound and immediately confirmed the diagnosis. An alpha-feto-protein blood test and amniotic fluid sample only drove the truth harder home. Our fetus had only a rudimentary brain. There were blood vessels, which enabled the heart to beat, and ganglion, which enabled basic motor function. There was no cerebellum and no cerebral cortext. There was no skull above the eyes.

I had been preparing for pregnancy for more than a year with diet, exercise and prenatal vitamins, including the dose of folic recommended to prevent neural tube defects. Yet we still lost our child to one of the most severe and lethal birth defects known. Our baby had no brain—would never hear the Mozart and Bach I played for it every day on our great-grandmother's piano, would never look up into our eyes or snuggle close to our hearts, would never even have an awareness of its own life.

On Tuesday, February 25, 1997, my husband and I chose to end my pregnancy with a common abortion procedure known as ''D and E.'' As difficult as it was, I literally thank God that I had that option. As long as there are families who face the devastating diagnosis we received, abortions must remain a safe and legal alternative.

In 1998, Barry and I discovered to our delight that I was pregnant again. Although we were overjoyed, our happiness was tempered by the knowledge that we had a 1-in-25 chance of a second anencephalic pregnancy. This time, we asked our loved ones to hold off on the baby gifts, we played no Bach, and every week was a mix of excitement and unavoidable worry. And on July 17, 1998, an ultrasound revealed the worst. We had a second anencephalic pregnancy—a second daughter lost to this lethal birth defect.

Fortunately for my medical care, the so-called ''partial birth abortion'' bans have been vetoed by President Clinton, and my doctors were able to provide me with a safe, compassionate procedure that brought this second tragic pregnancy to an end. And thanks to those doctors and their ability to give me that care, my recovery has been rapid—enabling Barry and I to plan to try again.

But if this bill becomes law, we would not be able to do so. For the chances of our having a third anencephalic pregnancy are all the way up to 1 in 4, and this bill would ban any procedures that would help us. It would force me to carry another doomed child through all nine months. That idea is far more horrifying than all the unreal anti-choice rhetoric that can be manufactured, for the reality is that this is a terrible law, a grievous interference between doctor and patient, and would only compound the tragedy and heartache faced by families like us.

Please protect the health of women and families like mine, and reject S. 1692.

There is nothing one can add to that. S. 1692 would say that the Kim Kosters in families across the country that we legislators—I am not a doctor, I am not a theologian, I am not a psychiatrist or

a psychologist; but the bill proposed by the Senator from Pennsylvania would say that we know more than all of them, that we stand in the judgment seat of the Mrs. Kosters: We are going to decide for you.

Attorneys? I am an attorney. Maybe some of us are teachers, I don't know. Maybe some are social workers or business people. There are a variety of different people here on the floor of the Senate. But somehow we get to tell you: Mrs. Koster, you and your husband have no right to decide. We are going to do it for you. Our decision is, no matter what—even under these terrible circumstances—you are going to have to carry that to term and bear the consequences of that. Maybe there are some in this body who want to sit in that kind of judgment seat. Count me out. Count me out. I leave these decisions to Kim and her husband, to her doctor, to her own faith, to her own religion to make those very profound, anxiety-producing, soul-wrenching decisions. That is why I have fought for this amendment—to state loudly and clearly that Roe v. Wade gave women that right and we don't want it overturned.

I yield the floor.

Mrs. BOXER. Mr. President, will my friend hold the floor for a moment so I may ask him a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield the floor?

Mr. HARKIN. I yield for a question. I didn't realize. I apologize.

Mrs. BOXER. Thank you very much.

I say to my friend that I thank him for sharing the story on the floor of the Senate. He has the photo of Kim and her husband up there. He read the story into the RECORD. I think it is very appropriate that the Senator from Iowa do so because this is a couple whom he knows.

I am, in a way, happy that my friend was not on the floor when the Senator from Pennsylvania used some very tough words in talking about this procedure and calling doctors who perform it executioners.

I say to my friend, in light of the poignant story he read to us, when he thinks of the doctor who helped this couple through a traumatic, horrific experience twice, what are his feelings about the doctor who performed that particular procedure?

Mr. HARKIN. I am sorry if someone referred to them as executioners. That, I think, is totally inappropriate and inflammatory and could lead to tragic consequences in our country.

I don't know the doctors who helped Kim Koster. But from talking to her, they were sensitive. They are doctors who wanted Kim and her husband to know every facet of what was happening and wanted them to make their own decision. They are doctors who have a lot of compassion and professionalism and, under the legal framework, were able to help this couple get through a very bad time and enabled them to move on with their lives and to plan on another child.

If that had not been there—if we had taken Roe v. Wade away or if we had adopted S. 1692—I don't know what would have happened to Kim Koster and her husband or whether they would be here today planning to try again to raise a family.

I say to my colleague from California that I believe Kim Koster is an extremely brave individual. In fact, I would say to anyone who wants to talk to her about what happened to her, she is out in the reception room right now. She would be glad to tell them why it is important to not only adhere to Roe v. Wade but to defeat S. 1692 that would have taken away her reproductive rights and under very tragic circumstances.

Mrs. BOXER. Mr. President, I ask my friend a final question. Will my friend be willing to read one more time, if he can find it, the statement that was made by Justices O'Connor, Kennedy, and Souter, all Justices appointed under a Republican President, when they made their statement on Casey because I really hope colleagues will listen to this. I think if they listen to it, they will vote for my friend's amendment to reaffirm Roe v. Wade and will also be against the Santorum underlying bill.

If my friend would repeat that, I would greatly appreciate it.

Mr. HARKIN. I thank my friend from California because I believe this statement by Justices O'Connor, Kennedy, and Souter is really aimed at us. They are aiming it at legislators who somehow sit in judgment—legislators who would put themselves in the position of defining for women what their reproductive rights are. Here is the quote:

At the heart of liberty—

At the heart of liberty—

is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under the compulsion of the state.

That is the quote. I believe it is directed at us.

Mr. President, I don't know how long people want to talk on this. I know the day is getting late. I ask unanimous consent that we have 30 minutes equally divided before we have an up-or-down vote on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. SANTORUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I ask unanimous consent that we have 60 minutes equally divided before a vote.

Mr. SANTORUM. I will be happy to work out—reserving the right to object—a time arrangement once people on our side want to proceed. But at this point I have to object. We would be happy to work something out. Right now, I just can't do that.

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

I am not going to debate the Harkin amendment. The Harkin amendment has nothing to do with the bill that is before us. The bill that is before us, as I have said over and over again, and I will say it again, is not about Roe v. Wade. One of the reasons we believe this bill is getting bipartisan support, as well as supporters on both sides of the abortion issue, is that it is outside the realm of Roe v. Wade.

I remind everyone that this is a baby in the process of being born. This is a baby who is almost outside of the mother except for 3 inches.

Again, I repeat that in Roe v. Wade, the original decision, which the Senator from Iowa was referring to, the Court let stand a Texas law that said you cannot kill a baby in the process of being born.

Again, we can have a vote on this. But we might as well be having a vote or another vote on the chemical weapons treaty. It is as related. This is not the subject. It is a completely different subject. If they want to have a vote on it, obviously the Senator has the right to offer an amendment. That is within the rights here in the Senate, and I certainly will stand by his right to offer that.

But to suggest somehow that the underlying bill is an assault on Roe v. Wade is again proof positive that when it comes to the real factual debate on what this procedure does, the response is: Well, let's change the subject.

I don't want to change the subject. Let's focus in on the facts. The facts are not anecdotes from people who aren't physicians about what happened to them. What happened in these cases you see and the pictures you see—I always believe, if you argue the facts, argue the facts; if you can't argue the facts, argue the law; if you can't argue the law, then appeal to the sentimentality or emotion of the situation.

That is what this is. These are horrible situations, tragic situations, of pregnancies that have gone awry late in pregnancy. I sympathize with these people more than you know, to have something such as this happen for a child that you want desperately. I know the difficult decisions they have to make. I know what doctors tell you and how they influence your decision.

But the fact of the matter is, we can't in a legislative forum dealing with such an important issue deal with emotional stories as powerful as they are unless we look at the facts underlying those stories. The facts underlying those stories are very clear.

I ask unanimous consent to have printed in the RECORD letters from the Physicians' Ad Hoc Coalition for Truth—fact—about two cases discussed by the Senator from Illinois where they talk about how this was the only option available, or this saved our life, or our future fertility, et cetera. Again, letters from this Physicians' Ad Hoc Coalition for Truth. One is from Pamela Smith, a director of medical education of the Department of Obstetrics and Gynecology at Mount Sinai Medical Center in Chicago, about the case of Vicki Stella and the case of Coreen Costello, another letter from the Physicians' Ad Hoc Coalition for Truth.

I ask unanimous consent to have those printed in the RECORD.

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

PHYSICIANS' AD HOC
COALITION FOR TRUTH,
Alexandria, VA, September 23, 1996.

DEAR MEMBER OF CONGRESS: My name is Dr. Pamela E. Smith. I am a founding member of PHACT (Physicians' Ad-hoc Coalition for Truth). This coalition of over three hundred medical providers nationwide (which is open to everyone, irrespective of their political stance on abortion) was specifically formed to educate the public, as well as those involved in government, in regards to disseminating medical facts as they relate to the Partial-Birth Abortion procedure.

In this regard, it has come to my attention that an individual (Ms. Vicki Stella, a diabetic) who underwent this procedure, who is not medically trained, has appeared on television and in Roll Call proclaiming that it was necessary for her to have this particular form of abortion to enable her to bear children in the future. In response to these claims I would invite you to note the following:

1. Although Ms. Stella proclaims this procedure was the only thing that could be done to preserve her fertility,the fact of the matter is that the standard of care that is used by medical personnel to terminate a pregnancy in its later stages does not include partial-birth abortion. Cesarean section, inducing labor with pitocin or protoglandins, or (if the baby has excess fluid in the head as I believe was the case with Ms. Stella) draining the fluid from the baby's head to allow a normal delivery are all techniques taught and used by obstetrical providers throughout this country. These are techniques for which we have safety statistics in regards to their impact on the health of both the woman and the child. In contrast, there are no safety statistics on partial-birth abortion, no reference of this technique on the national library of medicine database, and no long term studies published that prove it does not negatively affect a woman's capability of successfully carrying a pregnancy to term in the future. Ms. Stella may have been told this procedure was necessary and safe, but she was sorely misinformed.

2. Diabetes is a chronic medical condition that tends to get worse over time and that predisposes individuals to infections that can be harder to treat. If Ms. Stella was advised to have an abortion most likely this was secondary to the fact that her child was diagnosed with conditions that were incompatible with life. The fact that Ms. Stella is a diabetic, coupled with the fact that diabetics are prone to infection and the partial-birth abortion procedure requires manipulating a normally contaminated vagina over a course of three days (a technique that invites infection) medically I would contend of all the abortion techniques currently available to her this was the worse one that could have been recommended for her. The others are quicker, cheaper and do not place a diabetic at such extreme risks for life-threatening infections.

3. Partial-birth abortion is, in fact, a public health hazard in regards to women's health in that one employs techniques that have been demonstrated in the scientific literature to place women at increased risks for uterine rupture, infection, hemorrhage, inability to carry pregnancies to term in the future and material death. Such risks have even been acknowledged by abortion providers such as Dr. Warren Hern.

4. Dr. C. Everett Koop, the former Surgeon General, recently stated in the AMA News that he believes that people, including the President, have been misled as to ''fact and fiction'' in regards to third trimester pregnancy terminations. He said, and I quote, ''in no way can I twist my mind to see that the late term abortion described . . . is a medical necessity for the mother . . . I am opposed to partial-birth abortions.'' He later went on to describe a baby that he operated on who had some of the anomalies that babies of women who have partial-birth abortions had. His particular patient, however, went on to become the head nurse in his intensive care unit years later!

I realize that abortion continues to be an extremely divisive issue in our society. However, when considering public policy on such a matter that indeed has medical dimensions, it is of the utmost importance that decisions are based on facts as well as emotions and feelings. Banning this dangerous technique will not infringe on a woman's ability to obtain an abortion in the early stage of pregnancy or if a pregnancy truly needs to be ended to preserve the life or health of the mother. What a ban will do is insure that women will not have their lives jeopardized when they seek an abortion procedure.

Thank you for your time and consideration.

Sincerely,

PAMELA SMITH, M.D.,
Director of Medical Education, Department of Obstetrics and Gynecology, Mt. Sinai Medical Center, Chicago, IL, Member, Association of Professors of Obstetrics and Gynecology.

THE CASE OF COREEN COSTELLO—PARTIAL-BIRTH ABORTION WAS NOT A MEDICAL NECESSITY FOR THE MOST VISIBLE ''PERSONAL CASE'' PROPONENT OF PROCEDURE

Coreen Costello is one of five women who appeared with President Clinton when he vetoed the Partial-Birth Abortion Ban Act (4/10/96). She has probably been the most active and the most visible of those women who have chosen to share with the public the very tragic circumstances of their pregnancies which, they say, made the partial-birth abortion procedure their only medical option to protect their health and future fertility.

But based on what Ms. Costello has publicly said so far, her abortion was not, in fact, medically necessary.

In addition to appearing with the President at the veto ceremony, Ms. Costello has twice recounted her story in testimony before both the House and Senate; the New York Times published an op-ed by Ms. Costello based on this testimony; she was featured in a full page ad in the Washington Post sponsored by several abortion advocacy groups; and, most recently (7/9/96) she has recounted her story for a ''Dear Colleague'' letter being circulated to House members by Rep. Peter Deutsch (FL).

Unless she were to decide otherwise, Ms. Costello's full medical records remain, of course, unavailable to the public, being a matter between her and her doctors. However, Ms. Costello has voluntarily chosen to share significant parts of her very tragic story with the general public and in very highly visible venues. Based on what Ms. Costello has revealed of the medical history—of her own record and for the stated purpose of defeating the Partial-Birth Abortion Ban Act—doctors with PHACT can only conclude that Ms. Costello and others who have publicly acknowledged undergoing this procedure ''are honest women who were sadly misinformed and whose decision to have a partial-birth abortion was based on a great deal of misinformation'' (Dr. Joseph DeCook, Ob/Gyn, PHACT Congressional Briefing, 7/4/96). Ms. Costello's experience does not change the reality that a partial birth abortion is never medically indicated—in fact, there are available several alternative, standard medical procedures to treat women confronting unfortunate situations like Ms. Costello had to face.

The following analysis is based on Ms. Costello's public statements regarding events leading up to her abortion performed by the late Dr. James McMahon. This analysis was done by Dr. Curtis Cook, a perinatologist with the Michigan State College of Human Medicine and member of PHACT.

''Ms. Costello's child suffered from at least two conditions: 'polyhydramnios secondary to abnormal fetal swallowing,' and 'hydrocephalus'. In the first, the child could not swallow the amniotic fluid, and an excess of the fluid therefore collected in the mother's uterus. The second condition, hydrocephalus, is one that causes an excessive amount of fluid to accumulate in the fetal head. Because of the swallowing defect, the child's lungs were not properly stimulated, and an underdevelopment of the lungs would likely be the cause of death if abortion had not intervened. The child had no significant chance of survival, but also would not likely die as soon as the umbilical cord was cut.

The usual treatment for removing the large amount of fluid in the uterus is a procedure called amniocentesis. The usual treatment for draining excess fluid from the fetal head is a procedure called cephalocentesis. In both cases the excess fluid is drained by using a thin needle that can be placed inside the womb through the abdomen (''transabdominally''—the preferred route) or through the vagina (''transvaginally.'') The transvaginal approach however, as performed by Dr. McMahon on Ms. Costello, puts the woman at an increased risk of infection because of the non-sterile environment of the vagina. Dr. McMahon used this approach most likely because he had no significant expertise in obstetrics and gynecology. In other words, he may not have been able to do it well transabdominally—the standard method used by ob/gyns—because that takes a degree of expertise he did not possess. After the fluid has been drained, and the head decreased in size, labor would be induced and attempts made to deliver the child vaginally.

Ms. Costello's statement that she was unable to have a vaginal delivery, or, as she

called it, 'natural birth or an induced labor,' is contradicted by the fact that she did indeed have a vaginal delivery, conducted by Dr. McMahon. What Ms. Costello had was a breech vaginal delivery for purposes of aborting the child, however, as opposed to a vaginal delivery intended to result in a live birth. A cesarean section in this case would not be medically indicated—not because of any inherent danger—but because the baby could be safely delivered vaginally.''

Given these medical realities, the partial-birth abortion procedure can in no way be considered the standard, medically necessary or appropriate procedure appropriate to address the medical complications described by Ms. Costello or any of the other women who were tragically misled into believing they had no other options.''

Mr. SANTORUM. They clearly state this was not medically necessary; this, in fact, was not in the best interests of the patient in this case; and this was, in fact, not good medicine.

Did it have a good result? Yes, it did in the sense the health of the women was not jeopardized. That does not mean there is a good result. It was the best practice. A lot of things are done that turn out OK that may not have been the best thing to do. I think that is what we are saying. More importantly, it is not medically necessary. In fact, it is medically more dangerous.

A group that said it ''may be'' necessary, the American College of Obstetricians and Gynecologists, 3 years ago said: Clearly, it is not the only option. The proponents of partial-birth abortion are saying it is medically necessary. They want to keep this option open. If they don't, it is a violation of Roe v. Wade.

They stand behind anecdotes. In some cases, including the Viki Wilson case that Senator DURBIN brought up, it is clear from her testimony she did not have a partial-birth abortion. She says in her testimony the baby was dead inside of her womb and then the baby was delivered. If the baby dies inside the womb, it is outside the definition of the bill. The definition of the bill says a living baby is born. The baby was not living.

I don't want to pick apart the very tragic stories and make a very difficult situation even more difficult for these people because I understand the pain they have gone through. Our job is to not be clouded by personal anguish and tragic circumstances. Ours is to look at the underlying facts of what happened and what can happen in the future.

Again, we have over 600 obstetricians and gynecologists, specialists in perinatology, who say this is never medically necessary. The AMA says it is never medically necessary and is bad medicine. It is not a peer review procedure. It is not in the medical textbook. It is not taught in medical schools. It is not performed in hospitals. It is only performed at abortion clinics. Again, this is a rogue procedure.

They present case after case, as if this is some wonderful creation of medical science by some genius in obstetrics. I remind Members the person who created this procedure is not an obstetrician, much less a specialist in perinatology or difficult pregnancies. It is a family practitioner who only does abortions.

Again, I stress over and over again what seems to be the compassionate argument is a smokescreen. It is a smokescreen. It is not true. There is no compassion in allowing a procedure that is dangerous to the health of the woman to be continued any more than it is compassionate to prescribe any kind of medical treatment that is inappropriate. We have an overwhelming body of evidence saying it is bad medicine; it is inappropriate.

On the other side we have two things: One, stories, stories that turned out OK. In other words, the procedure was used—not in all cases; sometimes some of the people brought up in stories actually didn't have the procedure, and even those who did may have resulted in a good outcome—but it wasn't the proper course according to the overwhelming body of evidence.

The only thing counter, as far as factual comments by physicians, is the American College of Obstetricians and Gynecologists. The pillar upon which they rest the health-of-the-mother exception, the select panel they put together says they:

. . . could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman.

It is not the only option. It is not the only option.

From the Wisconsin case that upheld the Wisconsin statute, quoting the judges:

Haskell, who invented the procedure, admitted that the D&X procedure is never medically necessary to save the life or preserve the health of the woman.

We have the person who invented it saying it is not medically necessary.

ACOG goes further and talks about whether it is preferable in some cases. Here is what they say:

An intact D&X [partial-birth abortion] however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances, can make this decision.

We have asked them to identify one of these circumstances. Give an example. They cannot say this may be the best thing for the health and life of the mother, may be preferable, and yet give no situation which can be reviewed by the medical community. That is what we have to base the judgment on. The medical community is saying it is necessary to protect the health of the mother. Yet they give no example, give no example as to when this, in fact, would be preferable.

We have a thorough smokescreen, anecdotes with many of the cases having nothing to do with partial-birth abortions; those that did, argued by hundreds of physicians as being bad practice of medicine, were an improper course of conduct. Then we have the only scientific group that says it is never medically necessary, never the only option, only that it ''may be'' the best thing. Yet they give no example and after repeated inquiry are still giving no examples.

Again, we come back to the health question. There is a dearth of evidence to support the position.

I am hopeful the Senator from Iowa can debate his amendment, saying somehow this is important vis-a-vis Roe v. Wade. I argue the opposite. This legislation has nothing to do with Roe v. Wade. I think when we are looking at specific amendments to deal with that issue, the constitutional issue of vagueness—again, that is not necessarily a Roe v. Wade issue, although it gets into the issue of undue burden. From my point of view, if we can tailor that definition narrowly to make sure we are talking about partial-birth abortion, it leaves open other methods of abortion to be used. It gets to the counterargument some have suggested, that all we are doing is trying to outlaw abortion, trying to restrict a woman's right.

No. All we are doing is, for gosh sakes, drawing a line about who is protected. When a baby is 3 inches from being completely born, that is too close. That is too close. We are going to get into a whole lot of issues when we start drawing lines. In fact, we have gotten into a lot of issues with respect to drawing the line. Now we are talking about assisted suicide. We talk about quality of life instead of life itself.

As the Senator from California said, we want everyone to be wanted. What if everyone isn't wanted? Is that license to get rid of them? It certainly is if you are in the womb. Now we are suggesting it certainly is if you are just outside the womb; it certainly is if you are within 3 inches of being born. If you are not wanted, too bad. If we draw the line that close, it is not a very long way to go to get where our new theologian at Princeton University, Dr. Singer, is coming from. He suggested that it is, in fact, the moral thing to do; that once the baby is born, if we don't like it, to kill it.

One might suggest this is outrageous; this could never happen in America. This is a professor at Princeton, whose works, unfortunately, have been published in the popular press and hundreds of thousands of copies of this radical—I would consider it radical but on this floor maybe it is not radical. Maybe killing a baby after it is born, if it is not a healthy baby, is not a radical thing anymore. Certainly killing a

baby who is 3 inches from being born is not a radical thing anymore, so I don't know where 3 inches—maybe that does not make any difference. If you do not like what you have, then you can sort of exchange it.

But that is where we are. Someone suggests: Senator, this is outrageous. How can you make the comment that once a baby is born you can kill it?

I am not making that argument. But Dr. Singer is, and there are those who follow him. There will be judges who follow him. There will be judges who say the mother was distraught and she killed her baby, but it is sort of normal. If the baby was not perfect, it is probably better—we are probably all better off.

But what is the rationale given for partial-birth abortion, as extreme as that sounds, that Dr. Singer is proposing? What is the rationale for partial-birth abortion? Why do we need to keep it legal? Because we have pregnancies that have gone awry and these babies, they are not perfect. They might not live long. They may have cleft palate—in fact, yes, many partial-birth abortions were performed because the babies had cleft palate and mom and dad just didn't want the baby because it was not perfect.

So we have gotten to the point where the defenders of partial-birth abortion are defending it on the basis that things go bad in pregnancy and these children just do not deserve our protection because they are not normal like you and me. They should be given less rights. Because of their imperfections, they should be allowed—why would you bring a baby into this world who is going to die? Kill it first before it has a chance to die. That is the argument. It sounds rough. Let's cut to the chase. That is exactly what they are saying.

All we are suggesting is, first off, we do not stop you from doing that. This bill does not stop anyone who wants to have a late-term abortion from having it. If you want to have a late-term abortion, you can have a late-term abortion if this bill we propose passes. All we say is, don't have the baby outside the mother, don't have the baby 3 inches away from the protection of the Constitution, and then brutally execute the baby. That is just too close. That creates this nebulous area that the Dr. Singers of this world will gladly fill in. Because if we say 3 inches, then why not 3 inches later? What is the big deal? If the baby is not wanted, the baby is not wanted.

Many listening to this will say that is a ridiculous argument. There is no such slippery slope. Although, by the way, the people who oppose these often themselves provide a slippery slope argument. Certainly they do here. They say, if you restrict this right in abortion, it is a slippery slope; we are going to get rid of Roe v. Wade completely. That is why we have this amendment, to get at the Roe v. Wade amendment, to make sure we are not providing the slippery slope. Fine. Let's have a Roe v. Wade amendment to show we don't have a slippery slope. No problem. Let's have a vote.

But allowing a baby who is almost born to be killed, that is not a slippery slope? The Senator from California—we were talking about what if the foot or the leg were the part not born, would it be OK to kill the baby? I have the transcript, by the way. I asked that question. I will read it:

What you are suggesting—

This is me talking.

What you are suggesting is if the baby's toe is inside the mother you can, in fact, kill that baby.

Mrs. Boxer. Absolutely not.

So she said if the toe or foot is inside the baby, you can't kill the baby. But if the head is, you can. No slippery slope there, is there? No problems with a bright line there, is there?

We are headed down a very dangerous path if we start differentiating between what body part is outside the mother and what is inside the mother, as to whether an abortion is legal or not. The reason we have trouble differentiating is because this is not about abortion. This is about killing a baby. It is in the process of being born that under Roe v. Wade was protected. The Texas law was not stricken under Roe v. Wade that said you couldn't kill a baby in the process of being born.

Under Roe v. Wade, the seminal decision of the right of privacy, even that Court understood that once the baby is in the process of being born you should not be able to kill it. That is what we are saying. We are not restricting the right of Roe v. Wade. Roe v. Wade ruled on this by not striking that law down.

So fine, we are going to have a vote on Roe v. Wade. Fine, have a vote on Roe v. Wade. But this is not about Roe v. Wade. This is about infanticide. A lot of folks want to try to change the subject. They want to talk about these difficult cases.

Again, there is no one in this Chamber who sympathizes as much with these men and women, mothers and fathers, who dealt with a pregnancy gone awry. It is incredibly painful to have that hit your family. I hesitate to talk about it because I know how painful it is to revisit them. But they have brought their situation into the public square to prove a point. The problem is, it does not prove the point.

Again and again there is no medical reason. It is never medically necessary to do this procedure. So I hope we can get to the facts, that we can stay away from anecdotes that are inapplicable or not relevant; and we can get to, hopefully, from the other side, a factual discussion as to when this is medically necessary. Once I would like to see a peer-reviewed document where everyone examined the case and someone will say: You know what, there is a situation where this is medically necessary, where no other option is as safe or safer.

To date, that has not occurred. Let me underline that. To date, no such evidence has ever been put before the Senate.

Yet there are people who will stand here and say, ''We need it, we need it to protect the health of the mother,'' when there is not a shred of evidence, not a shred of evidence before the Senate, these stories aside. There is not a shred of evidence that suggests these stories, or all the other instances that have been brought up, were the most safe or there were not things as safe that could be used in place of a procedure that is infanticide. What we are hoping is we can get to that discussion.

I understand the process now; we want to play some games on Roe v. Wade. But that is not the issue before us. I cannot reiterate that enough. The issue before us is should this procedure remain legal. And it should be overturned. It should not remain legal.

It does not surprise me we are seeing smokescreens. This is the Roe v. Wade smokescreen. We have the anecdote smokescreen. We can get the charts up about the previous attempts by supporters of this procedure. They have tried case after case to misinform the Senate. The advocates of this legislation, the abortion rights groups, have deliberately—and this is according to their own people now who have come clean—deliberately misled the Congress, deliberately lied, as Ron Fitzsimmons, who is a lobbyist for a great number, if not all, of the abortion clinics in America, said that he lied through his teeth and that the industry lied through their teeth.

Now after lie after lie—and I will go through all the lies—after lie after lie, they now are going to come up with new stories and say: Well, no, believe us now; OK, yes, we may have lied to you before, but believe us, health is really an issue.

There is not one shred of substantive evidence to support that claim—not one shred of substantive evidence. And yet, a group of people that has come to the Congress in opposition to this bill, they have lied in at least six cases, and, after those, we are now supposed to believe them when they have no evidence to support what they are asserting.

What are they? The National Abortion Federation called illustrations of the partial-birth abortion procedure ''highly imaginative and artistically designed, but with little relationship to the truth or to medicine.''

You heard the Senator from California talk about the cartoons that showed how a partial-birth abortion is done, and proponents of the procedure argued early on: These are cartoons; they are not factual; they have nothing

to do with how the procedure actually works, until Dr. Haskell publicly described this procedure at the National Abortion Federation meeting on September 1992. Dr. Haskell told the AMA News the drawings depicting partial-birth abortion were accurate ''from a technical point of view.'' Strike 1.

Argument 1: This does not occur; this thing is not factually correct; this is not how partial-birth abortions are done; you are wrong. Strike 1.

By the way, they went even farther than that. Many of them argued this did not exist. First they said this is just a cartoon, these things do not happen at all, much less the drawings, but Dr. Haskell straightened them out.

Believe it or not, people actually came to committee meetings in the Capitol and suggested the anesthesia that is given to the woman during this procedure ensures the fetus feels no pain; in other words, it passes through and assures us the fetus does not feel any pain during this procedure.

Again, this is Dr. James McMahon, who is one of the originators of this procedure:

The fetus feels no pain through the entire series of the procedures. This is because the mother is given narcotic analgesia at a dose based upon her weight. The narcotic is passed, via the placenta, directly into the fetal bloodstream. Due to the enormous weight difference, a medical coma is induced in the fetus. There is a neurological fetal demise. There is never a live birth.

That was testimony before Congress under oath. When this happened, the American Society of Anesthesiologists went bananas. Why? Again, having gone through six births, one of the options available to women during childbirth is to receive a narcotic to help with the pain. Women were justifiably very nervous about receiving a narcotic for pain that would kill their baby. One of the pain management procedures during childbirth is, in fact, the giving of a pain killer, a narcotic.

Immediately we got response from them and this letter later on:

In my medical judgment, it would be necessary in order to achieve neurological demise of the fetus in a partial-birth abortion to anesthetize the mother to such a degree as to place her own health in serious jeopardy.

The community of experts responded saying this is not true; you would have to give so much in the way of narcotics, you could jeopardize the life of the mother, which is certainly something I am sure no one on either side would like to do.

Lie No. 2: The baby does not feel any pain. The fact is that after 20 weeks, babies have developed nervous systems; they feel pain. In fact, some have suggested because their nervous system is, in fact, not in a full developmental state, they feel increased pain as a result of this procedure. As described by Nurse Brenda Shafer when she witnessed a partial-birth abortion, when that scissor was plunged into the base of the skull, when those scissors were rammed into the base of that skull, the baby's arms and legs shot out, similar to if you held a little baby and the baby thought it was going to fall; it would spasm out, and then the baby's arms fell limp and legs fell limp.

Again, in October of 1995, during this period of time after McMahon's testimony, ''the fetus dies of an overdose of anesthesia given to the mother intravenously.''

Again we have Dr. Haskell, who is another one of these abortion providers—Dr. McMahon is one and Dr. Haskell; they are the two who do the most in the country—who says: Let's talk about whether or not the fetus is dead beforehand.

Haskell says: No, it's not. No, it's really not.

That is pretty clear. Again, people fighting this bill are putting information out that is not true. Why? To try to get support for this position.

Fourth: Partial-birth abortion is a rare procedure.

We had this debate the first time. We are in a very difficult situation because we have to rely upon the information of the abortion industry. When Senator SMITH, who is here, argued this debate 4 years ago, he had to deal with a deck that was stacked against him. He did not have the information we have today.

The organizations out there were saying—there were just a couple hundred of these—it was very rare, only done on babies who were sick and mothers whose health was in jeopardy or life was in jeopardy, but this was a very rare procedure.

This is the Alan Guttmacher Institute, Planned Parenthood, National Organization of Women, Zero Population Growth, Population Action International, National Abortion Federation, and a whole list of other organizations that wrote to Congress saying:

This surgical procedure is used only in rare cases, fewer than 500 per year. It is most often performed in the cases of wanted pregnancies gone tragically wrong, when a family learns late in the pregnancy of severe fetal anomalies or a medical condition that threatens the pregnant woman's life or health.

Lie. What is the truth? We have two sources outside of the industry. By the way, we still do not know the truth. We do not know the truth because the folks who provide us with the statistics on partial-birth abortions are the very organizations that oppose the bill. How would you like to go into a courtroom and argue with a set of facts that is given to you by your opponents? That is what we have to do here right now.

Most of what we have to deal with certainly on this issue—the numbers—we have to take from people who vehemently oppose this bill.

We have one source of independent judgment. Our crack news staff on the Hill of which—let me look up in the news gallery: Gee, nobody is up there. Our crack news staff on the Hill, whom we have challenged time and time again to get the facts, why don't you ask a few abortion clinics how many of these they do. A couple of people have. I know a reporter for the Baltimore Sun did. Do you know what the abortion clinics said in Baltimore? ''None of your business; none of your business. We don't have to tell you.''

Maybe some other crack staff, who really, I am sure, in their heart of hearts, want to get down to the bottom of this because I know they care deeply about this issue, will call around some of their communities and find out what the Bergen County Record did in New Jersey.

What did they find out? That at least 1,500 partial-birth abortions are performed each year, three times the national rate at one clinic in northern New Jersey.

Mr. SMITH of New Hampshire. Would the Senator yield for a question?

Mr. SANTORUM. I am happy to yield to the Senator from New Hampshire.

Mr. SMITH of New Hampshire. I ask the Senator if he is aware, during the time a few years ago when I stood on the floor and debated this issue, as well, that there were a number of people who said this was only happening a few times a year; some said as few as 15 or 20 times a year; some said, well, maybe it happened a couple hundred times a year, that it was the exception rather than the rule; it was usually when there was an anomaly?

Is the Senator also aware, we began to receive testimony from inside the abortion industry itself, which indicated—from those who had performed them—that this, indeed, was not the case, that we found that in about 80 percent of the cases, if not more, the child was perfectly healthy? So the idea that these were performed in only a few cases, when the child was in a so-called anomaly, if you will, is clearly untrue.

I would also ask the Senator from Pennsylvania, is he aware that there is numerous medical testimony, much medical testimony to the effect of how one partially delivers a child, and then restrains the child from exiting the birth canal? And how does that, in fact, help the safety, the health, or even to promote the life of the mother? Is the Senator also aware that on numerous occasions doctors have said, it doesn't?

As a matter of fact, I wondered if the Senator was aware that when President Clinton had several women down at the White House a short time ago after one of these override votes that he is so good at, he also indicated that these were people who had ''needed'' these for their own health. Then we found one particular case of a woman by the name of Claudia Ades, who appeared by telephone on a radio show in

which she said during the course of the show: ''This procedure was not performed in order to save my life. This procedure was totally elective. This is considered an elective procedure, as were the procedures of all the other women who were at the White House veto ceremony.''

So I think the Senator would probably agree with me that this was orchestrated and used to promote this terrible procedure which, as the Senator has so eloquently described, is infanticide, is the killing of children.

And to think that somehow you are basically coming to the conclusion that this is OK, based on the part of the child that is outside of the birth canal. I did not hear whether the Senator pointed this out, but is the Senator aware that if you were to turn the child around, and the head would exit first, that would be illegal under the law? That child could not be killed in this way. Yet 90 percent of the child is still inside the mother's body.

So it is an outrageous procedure. I want to compliment him for his leadership and look forward to joining him a little later on in the debate.

Mr. SANTORUM. I thank the Senator from New Hampshire. The Senator from New Hampshire is someone who deserves a tremendous amount of credit for his courage in coming to the floor 4 years ago, offering this bill, fighting for this, and beginning the battle in the Senate. And he continues to be a stalwart supporter and someone who deserves a lot of credit for the movement that has occurred already.

I will finish my charts, and that is, again, getting back to where this abortion procedure is ''rare.'' Ron Fitzsimmons on ''Nightline,'' in 1997, said that between 3,000 and 5,000 partial-birth abortions could be performed annually. They say they didn't even know because, again, they do not get reports—at least we are told they do not get reports as to how many of these late-term abortions are done in this manner.

The Centers for Disease Control does not track the method of abortion. So we know 1,500 are done in one clinic. And the people at that clinic said they have trained others to do it in New York City. So I hesitate to guess of the thousands upon thousands of living human beings—living human beings—who are brutalized in this fashion, 3 inches away.

As the Senator from New Hampshire just said, if that baby was born head first, even though a smaller portion of the baby's body is out, I think most people in this body would say: Well, you couldn't kill the baby then.

Isn't that funny? Isn't that funny in the sense that we draw these artificial lines that don't exist? We would say, it depends on which way the baby exited the mother as to whether you could kill the baby or not. Think about that. This is the bright line. This is the bright line that we will never cross in our society as to who deserves the protection of our Constitution or not. That is the issue, folks. That is the issue.

Who in this Senate Chamber, who within the sound of my voice is safe if that is the bright line? Who is safe from a group of Senators who think they are being compassionate, who decide that maybe we are better off drawing the line somewhere else, maybe drawing the line that after the baby is born, if the baby isn't what we want. As, again, Dr. Singer, a noted professor at Princeton University, now suggests, why don't we draw the line afterwards?

There is not much difference, folks, is there? There really isn't. Let's get honest about this. What is the difference? It is just a couple of inches. We will be back someday. If we keep this procedure legal, we will be back someday. We will be back someday arguing whether that 3 inches really means anything. It is an artificial line. That will be the argument. Come on. ''What is the difference because it is 3 inches if the baby is really deformed? Let it die. Kill it. Put it out of its misery. This baby is going to die anyway.''

The arguments you are hearing this very day about children who are not wanted because they are not perfect, in our eyes—I know whose eyes they are very perfect in. In the eyes that matter most in this; they are perfect little children. But to those on the Senate floor who argue that because of their imperfection we have to keep this legal, so we can dispose of unwanted, imperfect children—3 inches from legal protection—folks, when the issue is 3 inches, it might as well be 1 inch or half an inch and eventually it is no inches because the 3-inch line is the Maginot Line. It will be blown through at some point when it suits the majority of Americans that they do not want to be bothered with this burden—with this burden. ''It would be better off for this child,'' I am sure the argument will be, ''that we let this baby die or we kill this baby. Why let it suffer?'' That is the argument now—3 inches from protection.

Oh, how those 3 inches will shrink; mark my word. This is not a far-out debate. It is the mainstream of political debate right now that we can kill children 3 inches from birth because they are not perfect. That is the argument. That is the mainstream of thought in America right now.

On the horizon, the Dr. Singers of this world will say: Why quibble over 3 inches? I remind you, step back in your mind, those of you who were here on this Earth 40 years ago, and imagine—close your eyes and imagine—the Senate Chamber without television cameras, without the bright lights, without the microphones, and people on the Senate floor debating whether it is OK to kill a child who is almost born. It would be beyond anyone's possible comprehension that that could have occurred in Manhattan, much less Washington, DC, here in the Senate Chamber. But here we are. Where will we go from here? The Senate can take a stand on that. So far it hasn't in the numbers necessary, but we are working on it.

Lie No. 5: Partial birth abortion is used only to save the woman's life and health and when the fetus is deformed.

Again, Ron Fitzsimmons said:

The procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged.

That was 1995. Fast forward to 2 years later. Ron Fitzsimmons admitted he lied through his teeth when he said the procedure was used rarely and only on women whose lives were in danger or whose fetuses were damaged. Yet that is the debate you continue to hear on the floor of the Senate, case after case after case after case of this.

But what did Ron Fitzsimmons say:

What the abortion rights supporters failed to acknowledge [the people on this floor] is that the vast majority of these abortions are performed in the 20-plus week range on healthy fetuses and healthy mothers. The abortion rights folks know it, the anti-abortion folks know it, and so, probably does everyone else.

Would you please inform the rest of the Senate, Mr. Fitzsimmons, so they can begin to discuss the facts of this case, not the smoke and the mirrors of this legislation. I guarantee my colleagues, we will have clouds and clouds of smoke hovering over this Chamber over the next 2 days in an attempt to obfuscate what really is going on.

Lie No. 6: Partial-birth abortion protects a woman's health.

I understand the desire to eliminate the use of a procedure that appears inhumane but to eliminate it without taking into consideration the rare and tragic circumstances in which its use may be necessary would be even more inhumane.

The argument that this protects a woman's health.

President Clinton, again, veto message of 1997:

H.R. 1122 does not contain an exception to the measure's ban that will adequately protect the lives and health of a small group of women in tragic circumstances who need an abortion performed at a late stage of pregnancy to avert death or serious injury.

A, there is a provision in the bill that says life of the mother is an exception to the ban. Factually incorrect. There is a life of the mother exception. I think it is agreed on all sides that that is not necessary because it would never be used, but we have a prohibition there anyway.

Going to the truth:

The American Medical Association endorsed the Partial-Birth Abortion Ban Act. The AMA stated that partial-birth abortion is not medically indicated.

I have talked about hundreds of physicians, over 600 obstetricians, not medically necessary.

The partial-birth abortion procedure, as described by Martin Haskell [the nation's leading practitioner of the procedure] and defined in the Partial-Birth Abortion Ban Act, is never medically indicated and can itself pose serious risks to the health and future fertility of women.

Over 600 obstetricians signed this, over 600, pro-life, pro-choice, signed this.

Those are the facts. This attempt by those who oppose this bill to change the subject to get to Roe v. Wade doesn't obscure those facts.

I will get back to that.

MOTION TO COMMIT

Mr. SANTORUM. Mr. President, I move to commit the bill, and I send a motion to the desk.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] moves to commit the bill to the HELP Committee with instructions to report back forthwith.

Mr. SANTORUM. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is not.

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

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

AMENDMENT NO. 2322 TO THE INSTRUCTIONS OF THE MOTION TO COMMIT

Mr. SANTORUM. Mr. President, I send an amendment to the desk to the motion to commit with instructions.

The PRESIDING OFFICER. Until the Senator has the yeas and nays on the motion, the amendment is not in order.

Mr. SANTORUM. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 2322.

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

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

The amendment is as follows:

At the end of the instructions, insert the following:

SEC. . SENSE OF CONGRESS CONCERNING ROE V. WADE AND PARTIAL-BIRTH ABORTION BANS.

FINDINGS.—Congress finds that—

(1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe* v. *Wae* (410 U.S. 113 (1973));

(2) no partial birth abortion ban shall apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

SENSE OF CONGRESS.—It is the sense of the Congress that—

Partial birth abortions are horrific and gruesome procedures that should be banned.

Mr. SANTORUM. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent that a vote occur on or in relation to the SANTORUM amendment No. 2322 and the DURBIN amendment No. 2319 in 10 minutes, with the time between now and then to be equally divided, and if the amendment is agreed to, it be considered as an amendment to the bill and the motion to commit be immediately withdrawn.

I further ask consent that there be 2 hours total for debate equally divided prior to a motion to table amendment No. 2321, with the minority time under the control of Senator BOXER, and the vote to occur on or in relation to the amendment no later than 11 a.m. on Thursday, and the Boxer amendment, as amended, if amended, be agreed to without any intervening action.

Mr. DURBIN. Reserving the right to object, may I inquire of the Senator from Pennsylvania on my amendment whether or not it is a straight up-or-down vote on the amendment or a motion to table.

Mr. SANTORUM. I will move to table the amendment.

Mr. DURBIN. Is that the same situation in terms of the amendment offered by the Senator from Pennsylvania and the Senator from Iowa?

Mr. SANTORUM. They could be tabled under this unanimous consent agreement.

Mrs. BOXER. If I may ask my friend to yield for a question, it appears to me that everyone is going to wind up tabling someone else's amendment. So if he can make that clear, it would be helpful.

Mr. SANTORUM. It does say ''on or in relation to'' the amendment, so that means on the amendment or in relation, which is a tabling motion. It is clear under the UC.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2319

Mr. DURBIN. Mr. President, I ask unanimous consent to add two additional cosponsors to my amendment No. 2319: Senator BLANCHE LAMBERT LINCOLN and Senator CHRIS DODD.

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

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I rise in support of the amendment offered by my friend and colleague from Illinois, Senator DURBIN, and the senior Senator from Maine to ban all late-term abortions, including partial-birth abortions that are not necessary to save the mother's life or to protect her health from grievous physical harm.

Let me be clear from the outset. I am strongly opposed to all late-term abortions, including partial-birth abortions. I agree they should be banned. However, I also believe that an exception must be made for those rare cases when it is necessary to save the life of the mother or to protect her physical health from grievous harm. Fortunately, late-term abortions are extremely rare in my State where, according to the Maine Department of Human Services, just two late-term abortions have been performed in the last 16 years.

This debate should not be about one particular method of abortion but, rather, about the larger question of under what circumstances should late-term or postviability abortions be legally available. The sponsors of this amendment—and I am pleased to be a cosponsor—believe that all late-term abortions, regardless of the procedure used, should be banned except in those rare cases where the life or the physical health of the mother is at serious risk.

In my view, Congress is ill equipped to make judgments on specific medical procedures. As the American College of Obstetricians and Gynecologists, which represents over 90 percent of OB/GYNs and which opposes the legislation introduced by the Senator from Pennsylvania, has said:

The intervention of legislative bodies into medical decisionmaking is inappropriate, ill advised, and dangerous.

Most of us have neither the training nor the experience to decide which procedure is most appropriate in a given case. These medically difficult and highly personal decisions should be left for families to make in consultation with their physicians and their clergy. The Maine Medical Association agrees with this assessment. I ask unanimous consent that an April 1999 statement from the Maine Medical Association be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

(See Exhibit 1.)

Ms. COLLINS. Mr. President, in its statement, the Maine Medical Association states that ''such a ban would

deny a patient and her physician the right to make medically appropriate decisions about the best course for that patient's care. . . . The intervention of legislative bodies into medical decisionmaking is inappropriate, ill advised and dangerous.''

The MMA statement goes on to say:

. . . when serious fetal anomalies are discovered or a pregnant woman develops a life or health-threatening medical condition that makes continuation of the pregnancy dangerous, abortion—

Unfortunately, I add—

may be medically necessary. In these cases, intact dilation and evacuation procedures may provide substantial medical benefits or, in fact, may be the only option. This procedure may be safer than the alternatives . . . [may] reduce blood loss, and reduce the potential for other complications.

That is what the experts are telling us. That is what the doctors are telling us.

Our amendment goes far beyond, in many ways, what the Senator from Pennsylvania is attempting to accomplish. His legislation would only prohibit one specific medical procedure. It will not prevent a single late-term abortion. Let me emphasize that point. The partial-birth legislation before us would not prevent a single late-term abortion. A physician could simply use another, perhaps more dangerous, method to end the pregnancy.

By contrast, the Durbin-Snowe proposal would prohibit the abortion of any viable fetus by any method unless the abortion is necessary to preserve the life of the mother or to prevent grievous injury to her physical health.

We have taken great care to tightly limit the health exception in our bill to grievous injury to the mother's physical health. It would not allow late-term abortions to be performed simply because a woman is depressed or feeling stressed or has some minor physical health problem because of pregnancy.

Moreover, we have included a very important second safeguard. The initial opinion of the treating physician that the continuation of pregnancy would threaten the mother's life or risk grievous injury to her physical health must be confirmed by a second opinion from an independent physician.

This second opinion must come from an independent physician who will not be involved in the abortion procedure and who has not been involved in the treatment of the mother. This second physician must also certify—in writing—that, in his or her medical judgment, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

What we are talking about are the severe, medically diagnosable threats to a woman's physical health that are sometimes brought on or aggravated by pregnancy.

Let me give you a few examples: Primary pulmonary hypertension, which can cause sudden death or intractable congestive heart failure; severe pregnancy-aggravated hypertension with accompanying kidney or liver failure; complications from aggravated diabetes such as amputation or blindness; or an inability to treat aggressive cancers such as leukemia, breast cancer, or non-Hodgkins lymphoma.

These are all obstetric conditions that are cited in the medical literature as possible indications for pregnancy terminations. In these extremely rare cases—where the mother has been certified by two physicians to be at risk of losing her life or suffering grievous physical harm—I believe that we should leave the very difficult decisions about what should be done to the best judgment of the women, families, and physicians involved.

The Durbin-Snowe-Collins amendment is a fair and compassionate compromise on this extremely difficult issue. It would ensure that all late-term abortions—including partial-birth abortions—are strictly limited to those rare and tragic cases where the life or the physical health of the mother is in serious jeopardy. This amendment presents an unusual opportunity for both ''pro-choice'' and ''pro-life'' advocates to work together on a reasonable approach, and I urge our colleagues to join us in supporting it.

EXHIBIT 1

The Maine Medical Association takes no position on the moral or ethical issue of abortion. Our membership includes individuals who are ''pro-choice'' and ''pro-life.''

Still, abortion currently is a legal medical procedure in the United States. Accordingly, the Maine Medical Association opposes any legislation proposed to ban any legal medical procedure whether that be abortion, ''intact dilation and extraction'' (partial birth abortion), or another medical procedure. Such a ban would deny a patient and her physician the right to make medical-appropriate decisions about the best course for that patient's care. The determination of the medical need for and effectiveness of a particular medical procedure must be left to the patient and her physician acting in conformity with standards of good medical care.

In addition, imposing civil or criminal sanctions on physicians who perform abortions would have a chilling effect on physicians' willingness to perform legal abortions. Doing so would limit patients' access to safe abortions. The Maine Medical Association opposes such efforts to ''criminialize'' the practice of medicine.

An abortion performed in the second or third trimester or after viability is extremely difficult for everyone involved. The Maine Medical Association does not support elective abortions in the last stage of pregnancy. However, when serious fetal anomalies are discovered or the pregnant woman develops a life or health-threatening medical condition that makes continuation of the pregnancy dangerous, abortion may be medically necessary. In these cases, intact dilation and evacuation procedures may provide substantial medical benefits or, in fact, may be the only option. This procedure may be safer than the alternatives, maintain uterine integrity, reduce blood loss, and reduce the potential for other complications. Also, this procedure permits the performance of a careful autopsy and, therefore, a more accurate diagnosis of a fetal anomaly. This would permit women who wish to have additional children to receive appropriate genetic counseling and better prenatal care and testing in future pregnancies. The intact dilation and extraction procedure may be the most medically appropriate procedure for a woman in a particular case.

The intervention of legislative bodies into medical decision-making is inappropriate, ill-advised, and dangerous. The Maine Medical Association urges the Maine Legislature and the People of Maine to allow the patient and her doctor to determine the most appropriate method of care based upon accepted standards of care in the medical profession and upon the patient's individual circumstances.

The PRESIDING OFFICER. The 5 minutes on the majority side has expired. The Senator from Illinois has 5 minutes.

Mr. DURBIN. May I inquire of the Chair, pursuant to the unanimous consent request, I understood 10 minutes would be allotted for discussion on my pending amendment, and if the Presiding Officer can please clarify what is the current status of that time request.

The PRESIDING OFFICER. The 10 minutes allotted to Senators was for two amendments.

Mr. SANTORUM. I ask unanimous consent that I be given 5 minutes against the Durbin amendment and the Senator from Illinois be given 5 minutes for the Durbin amendment. It will be 5 minutes. I was not aware the Senator was using our time.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, since we are adding some time here—and I think we should—I want to have about 2 minutes to speak before we vote on the Santorum amendment.

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

Mr. DURBIN. Mr. President, one last inquiry, so I understand it. As it presently stands, there will be 12 minutes of debate before two votes: First on the Santorum amendment, then the Durbin amendment; then in that 12-minute period, 5 minutes allotted to me, 5 minutes to the Senator from Pennsylvania, and 2 minutes to the Senator from California?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I thank the Chair.

I want to say something to my colleagues who are following this debate in their offices. There are not that many on the floor, but many do watch these debates in their offices.

We are coming perilously close to reaching a consensus opinion on one of the most divisive topics that this Congress has ever faced. The Senator from Maine, Ms. COLLINS, and my colleague, Senator SNOWE, on the Republican side of the aisle, and about 10 Members on the Democratic side, finally have said:

Let us try to get down to the bottom line and see if we can come out with some commonsense answer to such a divisive issue as late-term abortions.

I respect the Senator from Pennsylvania and his heartfelt views on this. I have said it repeatedly on the floor. But I think if we are going to finally be able to say to the American people, we have followed what we think are your feelings; first, keep abortion safe and legal for women across America; but second, restrict abortions so that they are in situations which are necessary, postviability in particular, that is what the Durbin amendment strives to do. And I thank the Senator from Maine for her kind words.

Here is what it says, very basically: All late-term abortions, regardless of the type of procedure, are prohibited after the fetus is viable; that is, after the moment when it can survive outside the womb, except for two specific exceptions: One, if continuing the pregnancy threatens the life of the mother, or if continuing the pregnancy means the mother runs the risk of grievous physical injury.

We then go on to say—we are serious about this—not only the treating doctor but an independent physician has to certify, in writing, that one of those two conditions are met for any late-term abortion postviability. If the doctor misleads or states something that is not truthful in that certification, he is subject to a civil fine, and with repeated offenses the fine grows and his license to practice medicine can be suspended.

The reason I think we should take care—and I hope my colleagues will look carefully at this amendment—is that we would finally emerge from this tangled debate with something that many of us can agree on.

I am characterized as a pro-choice Senator. I am offering an amendment which some pro-choice groups do not support. I would hope that some on the pro-life side would look at this as a reasonable way to restrict late-term abortions.

If Senator SANTORUM's amendment passes, and restricts one rare procedure, it will reduce the number of abortions that are involved in that procedure, and they are very small relative to the total number. In all honesty, if my amendment passes, the bipartisan amendment, even more abortions will be restricted after viability. So for those on the pro-life side, it is a situation they should accept, too.

I urge my colleagues to seize this opportunity. It has come along so seldom in the time that I have been up here on this contentious issue. I hope they will understand that ours is an attempt to strike a good-faith compromise, consistent with Roe v. Wade, consistent with the Constitution, that protects a woman's health, as well as her life, in medical emergency circumstances.

I think if we pass this amendment that I have offered, with the help of so many of my colleagues on both sides of the aisle, we will finally say to the American people: Yes, we did come together on the issue of late-term abortion, and we think this is a reasonable way to deal with it.

I will readily concede there are differences of opinion and those on both sides of the aisle who see it differently. But I think I can go before my voters in Illinois, and my family because we talk about this, and explain to them the case histories that I presented on the Senate floor—where mothers, anxious for the birth of their babies, having painted the nursery and named the baby, found, at the last minute in the pregnancy that some terrible complication had occurred, and the doctor said: If you continue the pregnancy, you could die. And if you don't die, you might lose your chance to ever have another baby. Think about that, what the families face; and the doctors said, in that circumstance: We have to go forward with an abortion procedure.

Some of the women involved said: I've been conservative, antiabortion my whole life, and it struck me that it was going to hit me right in the face. I had to deal with it. And they did.

Frankly, any of our families faced with that would want to have every available medical option to save the life of the mother or to protect her from grievous physical injury.

I urge my colleagues to please look carefully at this amendment. We are perilously close to doing something by way of consensus that is a commonsense answer to a very contentious issue.

The PRESIDING OFFICER. The time of the distinguished Senator has expired.

Mr. DURBIN. I yield back my time.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PRIVILEGE OF THE FLOOR

Mr. SANTORUM. Mr. President, first, I ask unanimous consent that Heather MacLean and Adam Pallotto from my staff have access to the floor during the consideration of this bill.

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

Mr. SANTORUM. I thank the Chair.

Mr. President, the Durbin amendment purports to ban certain kinds of abortion, and I wish that were true because I think that would be constructive. But it does not.

I do not question the motives of Senator DURBIN, Senator COLLINS, and many others, who, I think, are trying to find some ground where we might be able to meet. But the problem with this amendment is the problem with all these amendments that deal with the issue of health of the mother.

The courts have defined ''health'' so broadly that it includes everything. This definition in the amendment talks about serious, grievous physical injury, and it requires a second opinion.

Here is the second opinion. If I put the phone number on here, and if this bill were to become law, you could call Dr. Warren Hern, who performs many second- and third-trimester abortions, and he will say this: ''I will certify that any pregnancy is a threat to a woman's life and could cause grievous injury to her physical health.''

See, the problem is there are lots of people in this country who would argue that pregnancy itself, following through with a pregnancy, can cause grievous physical injury. And in fact, it could.

So signing a document that says if we did not do this abortion, grievous physical injury would occur, is, by definition, something any doctor—or at least any doctor, Dr. Hern would say—could sign in good faith.

So what you have is a loophole, a loophole that would make this prohibition void. So as good as it sounds—and I do not question the intentions. Senator DASCHLE had offered this amendment in the past, and I certainly did not question his intention. I think there is an honest attempt to say, and I take the speakers at their word, that they do not want to see these kinds of abortions performed. However, when you provide a health exception, in reality the health exception becomes the operation of the bill, which is: There is no limitation.

So as much as I would like to see what the Senator from Illinois purports to have happen with his amendment, his language does not accomplish what he purports to accomplish. So voting for something that, frankly, is hollow, is not effective.

Our bill would, in fact, ban a particular procedure, period, and that is with the life of the mother exception.

If the Durbin amendment was amended to just provide for the life-of-the-mother exception, it would be a different story. But it does not do that.

So as much as I, again, commend those who have signed on to this as an attempt on their part to try to search for some sort of middle ground, I do not think they have found it yet. I am hopeful that good faith and open-mindedness will continue and that they will understand where I am coming from.

This is not a limitation at all, and to put forward such as a limitation would be misleading and I think not particularly constructive to getting at the real problem.

Again, I say—and my amendment that we will be voting on, which is a sense of the Senate, alludes to this—this is a debate about a procedure. And the reason we are debating this procedure is because it is the line in our society that we have drawn about who is covered by our Constitution and who isn't.

I think everyone will agree, once the baby is born, you have constitutional protections. When the baby is inside the womb, the Court has been very clear: you don't. The point is, when the baby is in the process of being born, it is almost completely outside of the mother. How can one suggest that that baby does not have some additional protection or full protection?

We heard the Senator from California say, if the foot was in the mother, they wouldn't be entitled to protection. What is the difference between the foot being inside the mother and the head being inside the mother? Why does one give protection and the other one doesn't? We are going to get into that very kind of fuzzy line. I am not too sure that is a line we want to say is our line of demarcation as to when rights begin or not.

I think we want to be very clear: Once the baby is in the process of being born, that is where the right to abortion ends and that is where infanticide begins. I am hopeful the Senate will make that choice today.

The PRESIDING OFFICER. The time requested by the distinguished Senator has expired.

The Senator from California is recognized for 2 minutes.

Mrs. BOXER. Mr. President, I urge Senators to read the text. It was the Senator from Pennsylvania who talked about the feet. I talked about a baby and when a baby is born.

The Santorum amendment, just as his bill, is a direct overturning of Roe v. Wade, which gave women the right to choose in 1973. Before Roe, 5,000 women a year died because of illegal abortion. Now abortion is safe, and it is legal. Why don't we keep it that way? It is working. It is working for women and their families. It balances the rights of the woman with the rights of the fetus. That is why it says in Roe, in the beginning of a pregnancy, a woman has an unfettered right to choose, and later there can be restrictions. But this is where the Santorum bill steps over the line. It makes no exception for the health of the woman. Senator DURBIN reaches to that issue. I commend him for his effort.

The fact is, if you make no exception for the health of the woman, you are overturning Roe; there is no question about it. And by using the term ''partial-birth abortion,'' which has never been in any medical directory in the history of medicine—it is a political term—it is so ill-defined that the courts have ruled it would in fact make most abortion illegal.

Listen to what some of the judges have said. In the State of Alaska: It would restrict abortion in general; in the State of Florida: This statute may endanger the health of women who might seek abortion; in Idaho: The act bans the safest and most common method of abortion used in Idaho and, therefore, imposes an undue burden on a woman. It goes on and on.

Nineteen States have said this Santorum language goes against Roe, endangers the life, the health—in particular, the health—of a woman.

I hope we will table the Santorum amendment.

The PRESIDING OFFICER. All time has expired.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak for 2 minutes on the Durbin amendment.

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

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I rise today to support the Late Term Abortion Limitation Act of 1999.

I would like to thank Senator DURBIN for working with me and others who oppose later term abortions like the procedure being discussed today, which some have called partial-birth abortion.

Let me start by saying that this is a difficult issue for anyone to discuss. And it is an emotional issue. It is not easy for any of us in this Chamber to discuss terminating a pregnancy.

As a mother who has gotten infinite joy from twin 3-year-old boys and was blessed with a safe and healthy natural delivery, it is an especially sensitive topic for me.

Like many of the people that I represent in Arkansas, I do not believe the so-called partial-birth abortion should be an elective procedure.

We should put an end to all forms of abortion after viability except in cases where a late term abortion is medically necessary to save the life of the mother or when ''grievous injury'' could harm the mother.

Congress has attempted to eliminate what some people call partial-birth abortions in the past. And 30 states have enacted similar legislation. But most efforts to end this horrific procedure have been unsuccessful thus far because the courts have overturned them.

As I have shown during debate on HMO reform and tax reform, I am result-oriented. I believe we're here to get things done, to effect change, instead of scoring political points.

For that reason, I have chosen to support Senator DURBIN's approach to eliminating late term abortions because Senator DURBIN has taken care of the concerns raised by courts and because this legislation will actually reduce the number of late term abortions.

I should point out that, while serving in the House of Representatives, I twice voted in favor of a ban on partial-birth abortions, expressing my concern that the life and serious health of the mother be considered.

Much has happened since then. Nineteen courts have overturned laws very similar to the one I supported. Some rule that the term ''partial-birth abortion'' is too vague.

While I am not a lawyer, I understand the courts' point because all of the doctors I have discussed this issue with tell me that there is no such procedure as partial birth abortion.

In addition, the courts have noted that states cannot regulate or prohibit abortion prior to viability. So it is very important, if we want results from this debate, to specify that we are talking about post-viability.

Senator DURBIN has corrected these prior legislative flaws by referring to abortions after viability rather than partial-birth abortions.

In addition, the Durbin late term abortion ban would eliminate elective late term abortions by requiring not one but two doctors to certify the need for a late term abortion to save the life or serious health of the mother.

I support the Durbin amendment because if Senators really want to ensure that we stop late term abortions, then we should pass legislation that can stand the test of the courts.

The Durbin amendment could stand the test and become law. It has the best chance of producing results.

So if results are what we're looking, if stopping late term abortions—including the so-called partial-birth abortions—is our goal, then this is the right option.

If we vote for other vague measures, we will be right back here next year, and the next year, still debating this issue—without results.

Let's do the right thing and ban unnecessary late term abortions by voting for the Durbin amendment which can stand up to federal court tests.

Mrs. BOXER. Mr. President, I move to table the Santorum amendment and ask for the yeas and nays.

The PRESIDING OFFICER. 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 the motion to table amendment No. 2322. 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 Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—36

Akaka	Durbin	Kerrey
Baucus	Edwards	Kerry
Bingaman	Feingold	Kohl
Boxer	Feinstein	Lautenberg
Bryan	Graham	Levin
Chafee	Harkin	Lieberman
Cleland	Inouye	Lincoln
Collins	Jeffords	Mikulski
Dodd	Kennedy	Murray

Reed	Sarbanes	Torricelli
Robb	Schumer	Wellstone
Rockefeller	Snowe	Wyden

NAYS—63

Abraham	Dorgan	Lugar
Allard	Enzi	Mack
Ashcroft	Fitzgerald	McConnell
Bayh	Frist	Moynihan
Bennett	Gorton	Murkowski
Biden	Gramm	Nickles
Bond	Grams	Reid
Breaux	Grassley	Roberts
Brownback	Gregg	Roth
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Byrd	Helms	Shelby
Campbell	Hollings	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Conrad	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Johnson	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Leahy	Voinovich
Domenici	Lott	Warner

NOT VOTING—1

McCain

The motion was rejected.

The PRESIDING OFFICER. Without objection, the yeas and nays are vitiated.

The question now is on agreeing to the Santorum amendment, as modified.

The amendment (No. 2322) was agreed to, as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF CONGRESS CONCERNING ROE V. WADE, AND PARTIAL BIRTH ABORTION BANS.

FINDINGS.—Congress finds that—

(1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe* v. *Wade* (410 U.S. 113 (1973)):

(2) No partial birth abortion ban shall apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

SENSE OF CONGRESS.—It is the sense of the Congress that—partial birth abortions are horrific and gruesome procedures that should be banned.

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

Mr. LOTT. I ask consent that the Senate proceed to the conference report on the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The report will be stated.

The clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2670, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 19, 1999.)

Mr. HOLLINGS. Mr. President, I am pleased to join my subcommittee chairman, Senator GREGG, in presenting to the Senate the fiscal year 2000, Commerce, Justice, State, the Judiciary, and related agencies appropriations conference report. I would like to thank Senator GREGG for his efforts in resolving many of the difficult issues that were encompassed in this bill. As a result of over four weeks of negotiations, the conference report before the Senator today—for the most past—is good and balanced.

As Senator GREGG stated, this agreement includes $39 billion and exceeds last year's appropriation by almost $3 billion. While this sounds like a tremendous increase in funding, for all intent and purpose, this increase is for the 2000 decennial census. Consequently, the funding decisions encompassed in this bill were difficult. Senator GREGG has already covered many of the major issues in this bill so I will not go into great detail. But, I would like to point out to my colleagues some of the highlights of this bill:

The Justice Department accounts for the largest portion of this bill and contains $18.5 billion for many important law enforcement agencies including the FBI, DEA, INS, and Marshals Service. This level of funding is only an increase of $287 million above last year's appropriated level. Within DOJ, the conferees agreed to recede to the Senate's position the Office of Community Oriented Policing Services (COPS) program, and funded the program at the Senate level of $325 million. In addition, $250 million in carryover is available bringing the total budget authority for this program for fiscal year 2000 to $575 million. While many of us would like to see a higher level of funding for this program, I believe that we have provided a responsible level given the austere funding constraints this year.

Mr. President, the conferees also agreed to continue the Safe Schools Initiative that Senator GREGG and I began funding last year. To further efforts in combating violence in and around our schools, we have included $225 million in funding. Included in that funding is $180 million for school resource officers and $30 million for prevention programs.

Regarding the Commerce Department, $8.7 billion is provided for the numerous missions undertaken by the various agencies of the Commerce Department, including stewardship of our nation's oceans and waterways, satellite coverage and weather forecasting, regulation of trade and telecommunications, assistance to rural areas, high risk technology research, and assistance to small manufacturers. Also within this level of funding for the Commerce Department is the $4.47 billion necessary for conducting the constitutionally mandated decennial census. I would like to thank Chairman GREGG for working to resolve the issues around census funding without lengthy and counter-productive debate.

I am pleased that the conference report reflects a level of funding for the National Oceanic and Atmospheric Administration (NOAA) that is closer to the Senate position that the House. NOAA is the premier agency for addressing catastrophic weather conditions as well as daily forecasts. This year has been one filled with natural disasters—everything from droughts, floods, tornadoes, and hurricanes. During this past month while our staff was negotiating on this bill, about 10 million people were evacuated from the coast during Hurricane Floyd. Thanks to NOAA's hurricane research, their flights into the storm their satellite coverage and weather forecasts, the loss of life, while still very tragic, was significantly less than what it otherwise would have been. Mr. President, when we went into conference 6 weeks ago, there was a $600 million difference in funding for NOAA between the House and Senate. The Senate worked diligently to restore NOAA's funding and the conference report reflects those efforts with NOAA funded at an increase of $137 million above last year's appropriated level. Given this agency's missions that include everything from weather forecasting and atmospheric research to ocean and fisheries research and ocean and coastal management, this level of funding in still insufficient, but given the fiscal constraints, it is enough to allow the agency to continue forward with its critical missions.

This conference report provides $5.9 billion for the Department of State and related agencies. This will fund security upgrades for State Department facilities, construction and maintenance of U.S. missions, payment of international organization and peacekeeping funds, and educational and cultural exchanges. This year we are providing $313.6 million in funding for much needed security upgrades at State Department facilities around the world. Incidents such as the bombings in Kenya and Tanzania have reminded us that we cannot dismiss the safety and security of our citizens abroad.

Now I would like to take a moment to thank the staff for all their hard work in bringing this agreement to the floor. Specifically I would like to thank Jim Morhard, Paddy Link, Kevin Linskey, Eric Harnischfeger, Clayton Heil, and Dana Quam of Senator GREGG's staff and Lila Helms, Emelie East, and Tim Harding of my staff. I know that they have all worked long hours during the past 4 weeks, including weekends and late evenings to

reach a compromise and I appreciate their efforts. This a large bill that funds the Federal law enforcement, oceans and fisheries, our nations courts and everything in between. Reaching compromise on these myriad accounts is no small task and I thank them for their diligence.

Mr. President, I take this opportunity to give a few words of thanks to someone who has been a tremendous help to me and the Commerce, Justice, State Subcommittee over this last year. That person is Tim Harding, an extremely bright young man who was detailed to me by the Department of Justice COPS on the Beat program.

Tim worked with me and my staff since last winter. He has seen this process through—from receipt of the President's budget, to our congressional hearings, to markup, through our whirlwind day on the Senate floor, and through this month and a half of conference. At every point, Tim was willing and ready to give 100 percent. While we all know the Senate is like no other place, Tim took the time to learn what makes this process work, and he was able to easily adapt. He provided me with memos, helped me with my constituent relations, and drafted good-quality statements for my use during hearings, markup, and floor consideration of our bill. His work will be sorely missed by me and my staff, and I wish him all the best in what promises to be a bright future.

Mr. GREGG. Mr. President, I bring to the floor the conference agreement for the Commerce, Justice, State, and judiciary appropriations for fiscal year 2000.

This conference agreement includes $39 billion for these and other related agencies. This is $2.8 billion above last year's level and $7.9 billion below the President's request. Also, it is $3.6 billion above the Senate level, which includes the additional funding requested for the census.

To start out with, I want to address the department that comprises almost half of the funding in this bill, the Department of Justice. We provide it with $18.5 billion.

Within Justice, we continue counterterrorism measures. A total of $152 million is directed to the counterterrorism program to bolster current counterterrorism initiatives. The conference agreement provides $14 million to the National Domestic Preparedness Consortium for their cooperative efforts. We put emphasis this year on equipment for first responders so that they have what is needed when they arrive first-on-the-scene of any terrorist attack.

We also remain concerned about attacks on computer systems, these being a primary target to sabotage. The conferees agreed to $18.6 million for the National Infrastructure and Protection Center, through the FBI account, which serves as the central clearinghouse for threats and warnings or actual cyber-attacks on critical infrastructures. The FBI has field computer crime-intrusion squads and computer analysis and response teams to combat cyber crime and sabotage.

However, I remain concerned by the release of the FALN members by the President, and its effect on our overall counterterrorism policy. In the past few years, the Appropriations Committee has worked closely with all aspects of the law enforcement community to hammer out a united, comprehensive counterterrorism strategy. There has been marked improvement in understanding where we need to go to prevent and to be ready for terrorist incidents. The President's clemency agreement takes that understanding and drives a stake in it. The President chose to release members of a known terrorist organization, against the recommendation of the pardon attorney and the Federal Bureau of Investigations.

The FBI is one of the lead agencies on terrorism policy, and the President disregarded their opposition to the clemency agreement. The President's actions went against his own administration and congressional efforts to craft and implement a strong counterterrorism policy.

Ironically, his argument was that none of these individuals had been charged with murder. Terry Nicholas was not charged with murder, but 168 died in the Oklahoma City bombing.

Unfortunately, the President's actions have created a schism in our terrorist policy that may take years to overcome.

Moving to an area that is as horrifying as a terrorist attack, the conference agreement provides funding to address child abductions and missing children. We were able to retain the Senate's Missing Children program, which provides $19.9 million to help law enforcers find and care for missing children. We also fund the FBI's programs to prevent child sexual exploitation on the Internet. These efforts help solve investigations involving missing children by creating specialized cyber units whose purpose is to monitor and react to Internet pedophiles. The FBI works closely with the National Center for Missing and Exploited Children to find the victims of these attacks and return them to their families.

To protect children in schools, the conference agreement recommends $225 million through the Safe Schools Initiative. The availability of these funds for schools, groups, and law enforcement should encourage communities to work together to address the escalation of violence in schools throughout the Nation.

The conferees believe it is also important to encourage out-of-school prevention methods as well. One way to stop juvenile violence is to get young people involved in programs outside of school. The conference agreement includes the Senate number, $50 million, for the Boys and Girls Clubs of America. It retains the Senate language regarding the use of the Internet in the clubs. Additionally, $13.5 is provided for Juvenile Mentoring Programs (JUMP), such as Big Brothers and Big Sisters and similar community programs that bring responsible adults together with children in a mentoring capacity. I believe prevention is preferable to punishment, and these programs can redirect the energies of high risk youth into positive activities.

The conference agreement provides over $537 million for juvenile programs through the juvenile justice budget and accountability incentive grants.

In an effort to combat another problem our society faces daily, the conference agreement supports counter drug efforts by the Justice Department. We provide DEA with $53.9 million for mobile enforcement teams and $17.4 million for regional drug enforcement teams. These teams have the flexibility to go to the hot spots in small cities and towns and provide an immediate, effective response to drug trafficking. They come in at the request of State and local law enforcement and work together to stop drug trafficking.

The agreement also includes $27.1 million for the DEA and $35.6 million for State and local enforcement efforts to end methamphetamine production and distribution.

Under my tenure as chairman, this committee has been supportive of the Violence Against Women Act Programs. The conference agreement includes the Senate level of $284 million. Within this level, $207 million is available for general formula grants to the States. Within those grants, $10 million will be available for programs on college campuses and $10 million for Safe Start programs. In addition, we retained the increase for court appointed special advocates and provide $10 million.

The Senate will be glad to hear we were able to bolster some accounts in conference that had been reduced this year in the Senate bill. The local law enforcement block grant was raised to last year's level of $523 million.

The conferees provide $30 million for police corps; $25 million for grants for bullet proof vests; and $40 million for the Indian country law enforcement initiative.

The State prison grants were increased above the Senate proposed level to $686.5 million, and $420 million was designated for SCAAP.

The last issue I want to address within the Justice Department is funding for law enforcement technology grants. As we approach the new millennium

and provide funding for fiscal year 2000, it is important that we ensure that law enforcement is not behind in technology. The conference agreement includes funding of $250 million for law enforcement technology grants. These grants will be available for State and local law enforcement to acquire equipment and training to address criminal activities in our communities.

Moving to Commerce, the conferees recommend a level of $25.6 million for the United States Trade Representative. The International Trade Commission is funded at $44.5 million, and the International Trade Administration is funded at a level of $313.5 million. The funding level for the Bureau of Export Administration is $54 million.

The conferees provide full funding for the Bureau of the Census at a level of $4.8 billion. The decennial census is funded at the Administration's requested level. The Administration sent a budget amendment to Congress as the Senate's Commerce, Justice, State Appropriations measure was being reported to the Senate. Therefore, the committee was unable to incorporate this amendment in the original bill. A hearing was held on the administration's budget amendment in late July, and the conference report before us today contains all of the funds requested by the administration.

The funding for the National Telecommunications and Information Administration includes $26.5 million for the public broadcasting grant program and $15.5 million for information infrastructure grants.

The agreement funds the programs of the National Institute for Standards and Technology (NIST) at a total of $639 million for fiscal year 2000. Of this amount, $283.1 million is for NIST's scientific and technical research and services programs.

NIST's external activities, the Advanced Technology Program (ATP) and Manufacturing Extension Program (MEP) are funded at the levels of $211 million, including carryover balances, and $104.8 million, respectively.

The agreement fund the National Oceanic and Atmospheric Administration programs at a level of $2.3 billion. This funding level will continue vital funding for oceanic and atmospheric research programs which have such strong support in the Senate.

The five major line offices of the agency are funded as follows: the National Ocean Service at a level of $267.3 million; the National Marine Fisheries Service at $403.7 million; the Office of Oceanic and Atmospheric Research at $300 million; the National Weather Service at $603.8 million; and, the National Environmental Satellite, Data and Information Service at a level of $111.4 million.

The agreement also provides funding for the first new fishery research vessel approved for the agency in several years.

The conference agreement contains $10 million to capitalize two funds created under the Pacific Salmon Treaty, and $50 million for a Pacific Salmon Restoration Fund requested by the administration.

A small part of our bill—$3.7 billion—is the judiciary. The conference agreement provides the judiciary with $122 million more than the Senate level. We fully fund defender services, and increase the hourly rate for court appointed public defenders. In addition, the Senate COLA provision was retained.

Now, for the last department in this bill, we provide $5.8 billion to the State Department.

The conferees recommend $254 million for worldwide security under Diplomatic and Consular Programs. We also provided $313.6 million in security-related construction under the Security and Maintenance of U.S. Missions account. These levels will address infrastructure concerns raised by the Dar Es Salaam and Nairobio bombings last year.

Cultural and Educational Exchange Programs are funded at $205 million. These programs give U.S. and foreign citizens the chance to interact on an educational level where cultural diversity can be explored.

The conference agreement includes adequate funding for the agencies related to the State Department, including the Asia Foundation and the National Endowment for Democracy.

Lastly in State, we provide $351 million to cover U.N. arrears, subject to authorization. This represents the final payment associated with the Helm-Biden agreement on UN reforms.

This bill contains a handful of related agencies that act independently of the departments within this bill, and comprise $2 billion of the total of this conference agreement.

For the Maritime Administration, the conference agreement recommends $178.1 million. Within the level, the Maritime Academy receives $34.1 million. The Maritime Security Program is funded at $98.7 million, including carryover balances.

The conference agreement funds the Federal Communications Commission at a level of $210 million. This funding level permits the agency to pay rent in its new location, but does not provide funding for some of the new technology initiatives the agency had hoped to implement in FY 2000.

As requested in the FCC budget, the Senate bill contained a provision permitting the FCC to protect our national spectrum assets. The provision in the Senate bill, Section 618, would have permitted the FCC to re-auction licenses currently entangled in bankruptcy court proceedings. This provision was dropped in conference at the insistence of the House. I regret that it was dropped.

The FCC began auctioning licenses for spectrum in late 1994, and some of the companies who were successful bidders subsequently filed for bankruptcy. The bankruptcy courts have permitted some of these companies to avoid paying their debt to the Federal Government for obtaining these licenses. Billions of dollars are being lost to the treasury because of these rulings. These companies should not be permitted to use these licenses, for which they have not paid in full, as assets in a bankruptcy proceeding. Spectrum licenses are national assets, and the proceeds from the sale of these licenses are the taxpayers' assets. I hope we will be able to revisit this provision at a later date.

The Small Businesses Administration (SBA) is one of the larger agencies in this bill. The conference agreement provides $803.5 million for their SBA. Within the amount, $84.5 million goes to the Small Business Development Centers.

We also provide the Senate level of funding for the Women's Business Centers and National Women's Business Council.

The SBA disaster loan assistance program is funded at a level of $255.4 million.

And, as a last mention on this bill, the agreement before us recommends $125 million for the Federal Trade Commission. Of particular importance is the Senate language regarding the Internet.

The conference agreement contains modified language regarding efforts to police the Internet and U.S. electronic financial markets within the Federal Trade Commission and the Securities and Exchange Commission. The conferees are aware that the explosion of Internet commerce also increases the opportunities for fraud and abuse. We want to ensure that those agencies that monitor the Internet are able to adapt to the increasing activity and match their consumer protection efforts in equal measure.

I think this agreement addresses the issue, yet believe there is still much more to do in the areas of Internet policy.

Overall, I believe this conference agreement of the House and Senate bills provides funding required to execute the needed services and programs under our purview. We have not reduced these accounts like we had to to meet the low Senate allocation. We were able to provide additional funding to these accounts that Senators and the administration thought were not given their due in the Senate bill. The ranking member and his staff participated fully in bringing this agreement to you. I want to extent my thanks for their collegian efforts. They worked with us side-by-side to construct what we believe is a respectable bill.

I urge my colleagues to pass this conference agreement as being a sound compromise.

I would like to take a moment to thank the staff for all their efforts on this conference agreement. Every year they do their best to get this particular bill completed quickly, and, every year we find ourselves jockeying for last position. I know they work hard to avoid this situation. The diverse jurisdiction of this bill tends to lead to controversy somewhere within its's realms even in the best of years. I appreciate the staff giving up weekends and countless nights to bring to Congress a passable CJS appropriations bill. Thanks to my staff, Jim Morhard, Paddy Link, Kevin Linskey, Eric Harnischfeger, Clayton Heil, Vas Alexopoulos, Dane Quam, Brian McLaughlin, and Jackie Cooney.

HATE CRIMES

Mr. KENNEDY. Mr. President, civil rights is still the unfinished business of America. It is unconscionable that Congress would signal that the Federal Government has no role in combating hate crimes in this country. Yet, that is exactly the signal the Republican leadership has sent by eliminating the Senate-passed provisions on hate crimes from the final report of the Commerce-Justice-State Appropriations Act.

Since just after the Civil War, Congress has repeatedly recognized the special Federal role in protecting civil rights and preventing discrimination. This Federal responsibility, based on the 14th amendment to the Constitution, is reflected in a large body of Federal civil rights laws, including many criminal law provisions. These laws are aimed at conduct that deprives persons of their rights because of their membership in certain disadvantaged groups. The Federal criminal law, among other prohibitions, bars depriving individuals of housing rights, destroying religious property because of religious bias, and committing violent acts because of racial hatred.

The point of these laws is not to protect only certain people from violence—we all deserve to be protected. The point is to recognize this special Federal responsibility to stop especially vicious forms of discrimination, and penalize it with the full force of Federal law.

Hate crimes legislation recognizes that violence based on deep-seated prejudice, like all forms of discrimination, inflicts an especially serious injury on society. These crimes can divide whole nations along racial, religious and other lines, as are seen too often in countries throughout the world. These crimes send a poisonous message that the majority in society feels free to oppress the minority. The strongest antidote to that unacceptable poison is for the majority to speak out strongly, and insist that these flagrant acts of violent bigotry will not be tolerated. That is why it is essential for hate crimes legislation to be endorsed by our nation and our communities at every level—Federal, State, and local.

The Hate Crimes Prevention Act of 1999, that so many of us support, is bipartisan. It is endorsed by a broad range of religious, civil rights and law enforcement organizations. It takes two needed steps. It strengthens current laws against crimes based on race, religion, or national origin. And it adds gender, sexual orientation, and disability to the protections in current law.

Earlier this year, the Senate added these important provisions to the Commerce-Justice-State Appropriations Act. But last Monday evening, the Senate-House conferees approved a conference report that does not contain the hate crimes provision. Behind closed doors, the conferees dropped the provisions. As a result, Congress is now MIA—missing in action on this basic issue of tolerance and justice and civil rights in our society.

Clearly, we must find a way to act on this important issue before the session ends. The Federal Government should be doing all it can to halt these vicious crimes that shock the conscience of the nation. State and local governments are doing their part to prevent hate crimes, and so must Congress.

Mr. LEAHY. Mr. President, one of the most significant amendments that the Senate adopted this summer as part of the Commerce-Justice-State appropriations bill was the Hate Crimes Prevention Act. This legislation strengthens current law by making it easier for federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. It also focuses the attention and resources of the federal government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability.

I commend Senator KENNEDY for his leadership on this bill, and I am proud to have been an original cosponsor. Now is the time to pass this important legislation

Recent incidents of violent crimes motivated by hate and bigotry have shocked the American conscience and made it painfully clear that we as a nation still have serious work to do in protecting all Americans from these crimes and in ensuring equal rights for all our citizens. The answer to hate and bigotry must ultimately be found in increased respect and tolerance. But strengthening our Federal hate crimes legislation is a step in the right direction.

All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted federal laws to protect the civil rights of all of our citizens for more than 100 years. The Hate Crimes Prevention Act continues that great and honorable tradition.

Five months ago, Judy Shepard, the mother of hate crimes victim Matthew Shepard, called upon Congress to pass the Hate Crimes Prevention Act without delay. Let me close by quoting her eloquent words:

> Today, we have it within our power to send a very different message than the one received by the people who killed my son. It is time to stop living in denial and to address a real problem that is destroying families like mine, James Byrd Jr.'s, Billy Jack Gaither's and many others across America. . . . We need to decide what kind of nation we want to be. One that treats all people with dignity and respect, or one that allows some people and their family members to be marginalized.

There are still a few weeks left in this session; we should pass the Hate Crimes Prevention Act this year.

Mrs. MURRAY. Mr. President, I feel compelled to express my concerns with the Commerce, Justice, State, and the judiciary appropriations bill for fiscal year 2000. I am disappointed by the inadequate funding for coastal salmon recovery and the Pacific Salmon Treaty. While I cannot complain about the funding for Washington State in relation to Alaska, California, and Oregon, I do believe the overall funding is woefully inadequate to address the tremendous crisis facing threatened and endangered salmon runs. Each state and their counties and cities are prepared to face the challenge of salmon recovery, but they must be given the tools to do so. The funds for Pacific coastal salmon recovery should be at the President's request level of $100 million.

In relation to the Pacific Salmon Treaty, I must again bemoan the lack of adequate funding. The treaty agreement was signed late in the appropriation process and thus it is understandable that large scale funding would be difficult. However, the funding provided under this conference report does not approach our obligations under the treaty. We need to be signaling the intention of the U.S. to meet its treaty obligations and this bill does not do this. I believe the funding for the Northern and Southern Funds called for under the treaty should be more than the $10 million provided. Furthermore, the elimination of the buy-back money for fishers is not only cruel to the families affected by the fishing reductions, but again does not send the right message to Canada.

In a related matter, the conference report contains legislative language that exempts Alaska from the provisions and requirements of the Endangered Species Act in relation to salmon. While I appreciate the State of Alaska's desire to have the Pacific Salmon Treaty protect its salmon fishery from any jeopardy findings, the

provision is not in the spirit of the treaty. The states of Oregon and Washington, as well as the Pacific Northwest tribes, negotiated in good-faith to conclude the treaty. I must support Governor Kitzhaber and Governor Locke and the tribes in their opposition to this provision. This legislative provision is in effect an addendum to the treaty that the treaty negotiators did not agree to. It should be removed.

I am very disappointed the conference did not adopt the language of the Hate Crimes Prevention Act. Hate crime is real. Despite great gains in equality and civil rights over the latter part of the century, hate crimes are still being committed and offenders must be punished. Including this provision would have given us more tools to fight hate. The proposal would have expanded the definition of a hate crime and improved prosecution of those who act our their hate with violence. If someone harms another because of race, gender, color, religion, disability or sexual orientation, they would be punished.

I am very disappointed that the conference failed to include the Senate language of the Hate Crime Prevention Act. Along with many of my colleagues, I will continue to push this legislation. It is about basic human rights for those who all too often persecuted while the majority looks the other way.

I am also unhappy the Community Oriented Policing Services Program (COPS) was so underfunded. The Subcommittee mark in the Senate included no funding for COPS. Some of us on the full Appropriations Committee restored a modest amount of money to the program. The President requested $1.2 billion, but the conference funded COPS at only $325 million. That is wrong.

COPS is one of the most successful programs of this decade. The initiative to get an additional 100,000 new police officers on the streets was widely criticized by many from the other side of the aisle. They said that the federal government could never successfully assist local law enforcement. They were wrong. The program is now praised by former opponents, the states are happy with it, and it has proven to be very effective.

Another problem is that once again behind closed doors, we continue to assault reproductive health care for women. Section 625 of this conference report includes a major authorizing change that was not part of the House or Senate passed bills. We did not debate or discuss this major expansion of the conscience clause included in Public Law 106–58, FY00 Treasury Postal Appropriations.

For those members who were not in this closed door meeting, let me explain. Section 625 would allow a pharmacist to object to providing a woman with a prescribed contraceptive if he or she felt the use of this contraceptive was contrary to their own individual religious beliefs or moral convictions. Pharmacists can make a moral judgment and deny women access to emergency contraceptives or any form of contraceptive.

We already allow plans participating in the FEHBP to object on religious grounds to providing reproductive health services; we now will allow pharmacists to deny women access. A small town pharmacist could simply object to filling a prescription because she morally objects to the use of contraceptives. A woman is now subjected to the moral judgment of her pharmacists. Is she free to simply go to another pharmacy? In many rural communities there really aren't nearby other options. In addition, many plans require use of a preferred provider for pharmacy benefits. What happens if your preferred provider is morally opposed to providing contraceptives?

I do not oppose conscience clauses, but I do oppose denying women access to legally prescribed contraceptives simply based on moral objections. This is simply outrageous and once again the threat to women's health is ignored.

Let me end on a positive note. I am appreciative of the subcommittee's work to provide $5 million in State Department monies for costs related to the World Trade Organization Ministerial meeting which will be held in Seattle, WA. The President requested $2 million and I am pleased Senator GREGG and Senator HOLLINGS agreed to my request for a significant increase for WTO expenses. I had hoped for some additional language to ensure that the State Department reimbursed localities in Washington State for legitimate WTO police and fire expenses. The WTO Ministerial will be the largest trade meeting ever held in the United States, both the Federal Government and Washington State are bearing significant costs to host the world's trade negotiators. I expect and I will push the State Department to be responsive to the needs of local governments in Washington State in the expenditure of these additional monies.

Mr. JEFFORDS. Mr. President, I thank Senator GREGG for recognizing the need of three Vermont towns to upgrade, modernize and acquire technology for their police departments in this Conference Report. Allowing these police departments to improve their technology will permit them to increase the efficiency and effectiveness of the services they provide.

Reflecting the needs of the police departments, the $1 million in technology funds for these three towns should be divided on the following basis: one-half ($500,000) to the Burlington Police Department, one-third ($333,000) to the Rutland Police Department, and one-sixth ($167,000) to the St. Johnsbury Police Department. Again, I appreciate his help in addressing the technology problems these towns' police departments are facing. I look forward to working with him to get this important appropriations bill signed into law.

Mr. LOTT. I ask unanimous consent the conference report be agreed to and the motion to consider be immediately laid upon the table.

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

The conference report was agreed to.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999—Continued

Mr. LOTT. The upcoming vote will be the last vote this evening. Senators who wish to debate the partial-birth abortion issue should remain this evening for statements. The next vote will be at 11 a.m. tomorrow morning relative to amendment No. 2321.

I thank my colleagues on both sides of the aisle and both sides of this issue for their cooperation.

I yield the floor.

VOTE ON AMENDMENT NO. 2319

The PRESIDING OFFICER. The question is on agreeing to the Durbin amendment No. 2319.

Mrs. BOXER. I ask for the yeas and nays.

Mr. SANTORUM. I move to table the Durbin amendment, and 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 the motion to table amendment No. 2319. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I annnounce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—61

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Murray
Bennett	Gramm	Nickles
Bond	Grams	Reed
Boxer	Grassley	Roberts
Brownback	Gregg	Roth
Bunning	Hagel	Santorum
Burns	Hatch	Schumer
Campbell	Helms	Sessions
Chafee	Hollings	Shelby
Cochran	Hutchinson	Smith (NH)
Conrad	Hutchison	Smith (OR)
Coverdell	Inhofe	Stevens
Craig	Inouye	Thomas
Crapo	Jeffords	Thompson
DeWine	Kyl	Thurmond
Domenici	Lautenberg	Voinovich
Dorgan	Lott	Warner
Enzi	Lugar	
Feinstein	Mack	

NAYS—38

Akaka	Edwards	Lincoln
Baucus	Feingold	Mikulski
Bayh	Graham	Moynihan
Biden	Harkin	Reid
Bingaman	Johnson	Robb
Breaux	Kennedy	Rockefeller
Bryan	Kerrey	Sarbanes
Byrd	Kerry	Snowe
Cleland	Kohl	Specter
Collins	Landrieu	Torricelli
Daschle	Leahy	Wellstone
Dodd	Levin	Wyden
Durbin	Lieberman	

NOT VOTING—1

McCain

The motion was agreed to.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Ohio.

PRIVILEGE OF THE FLOOR

Mr. DEWINE. Mr. President, I ask unanimous consent that Brittany Feiner be granted the privilege of the floor for the duration of Senate consideration of S. 1692.

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

Mr. DEWINE. Mr. President, I rise this evening to, once again, strongly urge my colleagues to vote to ban partial-birth abortion. Three times Congress has voted to pass legislation to ban the barbaric practice of partial-birth abortion—but tragically, at every opportunity, the President of the United States has vetoed the act of Congress to ban this needless and horrific procedure.

The words of Frederick Douglass uttered more than 100 years ago I believe are very applicable to this discussion. This is what Frederick Douglass said:

> Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted. . . .

We must continue our struggle to ban partial-birth abortion in this country. We are debating a national question that in my ways, is not unlike the issue of slavery, in part, because opponents of this legislation are truly using artificial arguments to justify why certain people, in their opinion, have no legal status and no civil, social, or political rights. Those opposing the partial-birth abortion ban imply that the almost-born child has no right to live. Clearly, the vast majority of the American people, and a majority of Congress disagree.

Every year the tragic effect of this extreme indifference to human life becomes more and more apparent. We must ban this procedure. We must simply say that enough is enough.

In my home State of Ohio, two tragic cases of partial-birth abortions did not go ''according to plan.'' Each reveals, in its own way, the unpleasant facts of this horrible tragedy of partial-birth abortion.

On April 6, in Dayton, OH, a woman went into the Dayton Medical Center to undergo a partial-birth abortion. This facility is operated by Dr. Martin Haskell, a pioneer of the partial-birth abortion procedure. Usually this procedure takes place behind closed doors, where it can be ignored—its morality left outside.

But, this particular procedure was different. Here is what happened.

The Dayton abortionist inserted instruments known as laminaria into the woman, to dilate her cervix, so the child could eventually be removed and killed. This procedure usually takes 3 days.

This woman went home to Cincinnati, expecting to return to Dayton for completion of the procedure in 2 or 3 days. But, her cervix dilated too quickly and so shortly after midnight, she was admitted to Bethesda North Hospital in Cincinnati.

The child was born. A medical technician pointed out that the child was alive. But apparently her chances of survival were slim. After 3 hours and 8 minutes, this baby died. The baby was named Hope.

On the death certificate is a space for ''Method of Death.'' And it said, in the case of Baby Hope, ''Method of Death: Natural.'' That, of course, is not true. There was nothing natural about the events that led to the death of this poor innocent child.

Baby Hope did not die of natural causes. Baby Hope was the victim of this barbaric procedure—a procedure that is opposed by the vast majority of the American people. It is a procedure that has been banned three times by an act of Congress—only to see the ban overturned by a veto by the President of the United States.

The death of Baby Hope did not take place behind the closed doors of an abortion clinic. The death of this baby took place in public—in a hospital dedicated to saving lives, not taking them. This episode reminds us of the brutal reality and tragedy of what partial-birth abortion really is, the killing of a baby—plain and simple.

And, almost to underscore the inhumanity of this procedure—4 months later, in my home State of Ohio it happened again. This time, though, something quite different occurred.

Once again, the scene is Dayton, OH. This time on August 18, a woman who was 25-weeks pregnant, went into Dr. Haskell's office for a partial-birth abortion. As usual, the abortionist performed the preparatory steps for the barbaric procedure by dilating the mother's cervix. The next day, August 19, the mother went into labor, and was rushed to Good Samaritan Hospital. This time, however, despite the massive trauma to this baby's environment, a miracle occurred. By grace, this little baby survived, and so she now is called ''Baby Grace.''

I am appalled by the fact that both of these heinous partial-birth abortion attempts occurred anywhere, but particularly because in my home State. When I think about the brutal death of Baby Hope and then ponder the miracle of Baby Grace, I am confronted with the question—a haunting question that we all face—Why can't we just allow these babies to live?

Opponents of the ban on this ''procedure'' say that this procedure is necessary to protect the health of women. We know from testimony that we heard in our Judiciary Committee that that simply is not true. The American Medical Association says that this procedure is never—never—medically necessary. In fact, many physicians have found that the procedure itself can pose immediate and significant risks to a woman's health and future fertility. Clearly, the babies did not have to be killed in the Ohio cases I just cited. No. The babies were both born alive. One survived; one did not.

Why does the baby have to be killed?

Opponents of this legislation say that this procedure is only used in emergency situations, when women's lives are in danger. Again, from the testimony that we heard in the Judiciary Committee, we know this is absolutely not true. It seems strange that a 3-day procedure would be used and the mother sent home if, in fact, we were dealing with an emergency. Nevertheless, even abortionists say that the vast majority of partial-birth abortions are elective. Dr. Haskell, the Ohio abortionist, stated as follows: ''And I'll be quite frank; most of my abortions are elective in that 20–24 week range.''

Why? Why? Why does the baby have to be killed?

Opponents of this bill say that this procedure is necessary when a fetus is abnormal. Now, I do not believe the condition of the fetus ever warrants killing it. But, even abortionists and some opponents of this ban agree that most partial-birth abortions involve healthy fetuses. The inventor of this procedure himself, the late Dr. James McMahon, said ''I think, 'Gee, it's too bad that this child couldn't be adopted.' ''

So, again, the question: Why does the baby have to be killed?

Opponents of this bill say that this partial-birth procedure is rare. But, again, that is not true either. Even the director of the National Coalition of Abortion Providers admitted that there are up to 5,000 partial-birth abortion procedures in the United States.

Why? Why does the baby have to be killed?

Opponents say that this ban violates Roe v. Wade, and so it is unconstitutional. But, anyone who has read the case knows that Roe declined to consider the constitutionality of the part of the Texas statute banning the killing of a child who was in the process of delivery. And, the Supreme Court again declined to decide this issue in Planned Parenthood v. Casey.

Again, we must ask, why does the baby have to be killed?

Opponents say this bill is unconstitutional because it doesn't have a ''health exception.'' First, the ''health exception'' is defined by Doe v. Bolton so broadly as to make the ban unenforceable—effectively gutting the bill. We know that is how the courts have defined the ''health exception'' in abortion legislation. Both sides of this debate fully understand that.

The American Medical Association itself has stated:

There is no health reason for this procedure. In fact, there is ample testimony to show that all of the health consequences are more severe for this procedure than any other procedure used.

Further, the AMA concluded:

The partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians. (New York Times, May 26, 1997).

I ask my colleagues who wish to continue to allow this heinous procedure by upholding the President's veto, why? Why does the baby have to be killed? Why do babies, inches away from their first breath, have to die? Something is terribly wrong in this country when these babies continue to be killed.

With the advent of modern technology, we can sustain young life in ways we could not have just a few short years ago. Those of us who have had the privilege of going into neonatal intensive care units in our States have seen the miracles being worked today with precious, tiny children. Medical science can keep babies alive who are only 22 weeks, 23 weeks, children who before would simply not have survived.

While we have this great technology, while we have made such great advances, while we are saving so many innocent children, at the same time we have also perfected and created more and more savage ways of killing other children, other babies who are the same level of development.

I think we are destroying ourselves by not admitting as a society that partial-birth abortion is an evil against humanity. I believe there will be more and more horrible consequences for our Nation if we do not ban this cruel procedure. As a friend of mine reminded me, no culture can be demolished without the voluntary cooperation of at least a number of its own members. We must stop and ask, to what depths has the American conscience sunk? When it comes to abortion, is there nothing to which we will say no? Is there nothing so wrong, so cruel that we will not say, as a society, we will not tolerate this; we will not put up with this; this is going simply too far?

Partial-birth abortion is a very clear matter of right and wrong, good versus evil. It is my wish that there will come a day when my colleagues and I no longer have to come to the floor, to debate this issue. I hope we have the votes this year to not only pass the partial-birth abortion ban, but also to override the President's veto. We have to do it. It is the right thing to do, because innocent children are dying every day in America because of this horrible, barbaric procedure.

Let us ban this procedure which kills our partially born children, and let's do it for our children.

I thank the Chair, and thank my colleagues. I congratulate Senator SANTORUM for bringing this matter to the floor, and Senator SMITH, who has so long been a proponent of doing away with partial-birth abortion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Ohio, Senator DEWINE for his eloquent remarks that were delivered in such a way as to touch the conscience of all of us. I join him in also thanking Senator SANTORUM for his insightful, intelligent, and passionate commitment to ending this horrible procedure which, by any definition, is not good for this country.

I also appreciate the leadership of Senator BOB SMITH, who is here tonight. Senator SMITH started this debate a number of years ago. I don't know if people thought he was even telling the truth about it or not. They didn't know it was really going on. But as time has gone by, we have seen more and more that this procedure is horribly true and much more common than we knew.

This is a bipartisan effort, Republicans and Democrats. We have joined together, and I think it is important we work together to not just talk about this problem but to end it.

Some, I think, would prefer not knowing about it. They do not want to be told the gruesome details of this procedure; how a child, a baby, just 3 inches from birth, is deliberately and systematically killed. That is not something people want to talk about. They cringe and wish it would go away. I wish the procedure would go away. Unfortunately, it has not. It is so cruel, so inhumane, and so unnecessary, I believe this legislation is justified and necessary to prevent it.

A number of people during this debate have expressed concern about the life of the mother. I have heard this argument during my time on the Senate Judiciary Committee, serving with Senator DEWINE and others. We have had a number of hearings on this subject.

The bill, crafted by Senator SANTORUM, provides for this contingency. It would permit this procedure, partial-birth abortion, but only ''to save the life of a mother whose life is endangered by physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from pregnancy itself.''

These are the kinds of exceptions that are in this bill. Some may say, as most physicians do, that these exceptions are not necessary. It is never the kind of occurrence that would justify this procedure. But it is in this bill. It makes me wonder why those who are concerned about the health of the mother are not able to read those words and understand them. The truth is clear. This bill will not endanger the life of the mother.

The fact is, the American Medical Association has noted that this procedure is never medically necessary. It is not the kind of procedure we need to use. It is a convenient procedure that abortionists have found they like to use. I don't think it is necessary and it should be outlawed.

So there is broad bipartisan support for the bill from both pro-life and prochoice people. I think that shows what we are debating goes beyond the traditional debate on abortion. This support exists because the partial-birth abortion procedure deeply offends our sensibilities as human beings and as a people who care for one another, who know that life is fragile and believe that people need to be treated with respect and dignity and compassion. The Declaration of Independence notes life, liberty, and the pursuit of happiness, those are ideals of American life. A child partially born has those rights ripped from them in a most vicious way.

This is a dangerous policy. It is a thin line, a thin thread that we are justifying a procedure that is so much and, I think, in fact is infanticide. It is an unjustifiable procedure we are dealing with.

There has been a tremendous amount of debate on the number of partial-birth abortions performed each year. The pro-abortion groups and others have emphatically insisted that the total number of partial-birth abortions performed was small, and they were only performed in extreme medical circumstances. Therefore, they say the Federal Government should not pass laws about it. But now we know the truth. It has come out in dramatic form. Their issue, that this procedure is rare and only for extreme circumstances, has plainly been established to be false. These claims were either manufactured or disseminated in an attempt to minimize the significance of the issue.

As reported in a 1997 front-page article in the Washington Times, Mr. Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers—let me say that again, the executive director of the National Coalition of Abortion Providers, who has been traveling the country and saying these procedures were rare—admitted, that

he had ''lied through his teeth'' about the numbers of partial-birth abortions performed. Mr. Fitzsimmons estimated ''that up to 5,000 partial-birth abortions are performed annually and that they're primarily done on healthy women and healthy fetuses.''

That is a fact. That is what we are dealing with today. Those who would oppose this procedure, I believe, are not as concerned—or at least are not thinking clearly—when they suggest their opposition is based on their concern for the health and safety of the mother. I say to my colleagues on both sides of the aisle, how can we answer to our children, our constituents, and others if we allow children to be destroyed through this brutal partial-birth abortion procedure? So I think if we are a nation that aspires to goodness, that aspires to be above the course and to reach minimum standards of decency, this legislation is needed.

I find it very puzzling that there is such resistance to the banning of just this one brutal procedure. I ask myself, what is it? I have heard it said that, well, the people who oppose partial-birth abortions do so for religious reasons, as if that is an illegitimate reason. Was it illegitimate for Martin Luther King to march for freedom based on his belief in the Scriptures? It is not an illegitimate reason if you have a religious motivation. But that has been a complaint about those who would question this.

I have analyzed the opposition to this partial-birth abortion bill and I can't see that it can be founded on law. I can't see that it can be founded on science; the AMA says it is not necessary. I can't see that it can be founded on ethics. Certainly, it seems to me that it is so close to infanticide—if not in fact infanticide—that it is difficult to see how it could be argued ethically. Why is it? The only thing I can see is that there is a sort of secular religious opposition to any control whatsoever on abortion—we will never agree to anything, any time, anywhere, no matter what you say. We are going to allow these procedures to go forward just as long as the abortionists wish to perform them and you, Congress, should never intervene in any aspect of it.

I don't believe that is a rational argument. It is not justified. This legislation is specific; it is directed to a procedure that all good and decent people, I believe, if they knew the facts and studied it, would know to be an unacceptable procedure. It would ban one procedure and it would not affect other abortions. I think all good Americans should be for it. I will be deeply disappointed if the President of the United States insists once again on vetoing this legislation, which has the overwhelming support of the Members of Congress and the American people. I don't see how it is possible that we continue to come back to this floor again and again over this issue. But it is going to continue because the procedure continues. Lives are being eliminated in a way that is unhealthy and not good for America. It is below the standards to which we ought to adhere. I thank Senator SMITH, who is here, and Senator SANTORUM for their leadership and dedication to this issue.

I yield the floor.

Mr. GRAMS. Mr. President, I offer my support today of S. 1692, the Partial-Birth Abortion Ban Act of 1999, introduced by my colleague, Senator SANTORUM. Congress has twice passed legislation outlawing partial-birth abortion, only to have it vetoed by the President for fallacious reasons. It is time that we close this shameful chapter in our nation's history during which we have permitted the destruction of fully-formed, viable human beings in a most gruesome and shockingly cold-hearted manner. If there is a meaningful distinction between this abortion procedure and infanticide, it escapes me.

I know that there is a certain numbing fatigue that sets in when we are forced to once again review the details of the partial-birth abortion procedure. But we must not let our aversion to the particulars of the procedure cause us to turn away from addressing the cruel injustice of it. I commend Senator SANTORUM for his persistence in pursuing this legislation. Congress must keep the pressure on President Clinton to stop opposing the bill and sign it into law.

It is time for President Clinton to abandon the false claim that somehow this bill would jeopardize the health of a mother unless a so-called health exception permitting the procedure is not added to the bill. President Clinton knows that the term ''health'' in the context of abortion has become so broadly defined by the Supreme Court that it would strip this bill of any force, and would render the entire bill meaningless. Former Surgeon General C. Everett Koop has denounced this false argument, asserting that ''partial-birth abortion is never medically necessary to protect a mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both.'' The American Medical Association has also expressed support for the partial-birth abortion ban, noting that the Santorum bill ''would allow a legitimate exception where the life of the mother was endangered, thereby preserving the physician's judgment to take any medically necessary steps to save the life of the mother.''

The bottom line is, the alternative bill that has been offered by the minority leaders in the past, and which we will likely see again, extends no real protection at all to unborn children. Again, the so-called health exception it adopts essentially renders the bill meaningless, and offers opponents to the Santorum bill only a cosmetic, public relations cover to veil their commitment that abortion should be free of any reasonable restrictions.

To allow this partial-birth procedure to continue to be performed across our land cheapens the value of life at all stages, for the unborn, the physically handicapped, and the feeble elderly. Our government must affirm life and not let our civil society decay into a mentality that only the strong and self-sufficient should survive and the weak can be considered expendable.

President Clinton once said that he wanted abortion to be ''safe, legal, and rare.'' He has worked very hard to keep it ''legal,'' in the sense of being completely free of any restrictions. It is now time for Congress and the President to make the partial-birth method of abortion truly rare by passing and signing S. 1692.

Ms. SNOWE. Mr. President I rise today to oppose the so-called ''Partial Birth'' Abortion Ban.

In 1973 the Supreme Court held that women have a constitutional right to an abortion. That decision—Roe v. Wade—was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions. This decision held that women have a constitutional right to an abortion, but after viability, states could ban abortions as long as they allowed exceptions for cases in which a woman's life or health is endangered.

The legislation before us today is in direct violation of the Court's ruling. It does not ban postviability abortions as its sponsors claim, but it does ban an abortion procedure regardless of where the woman is in her pregnancy. And this legislation, as drafted, does not provide an exception for the health of the mother as required by law, and provides a very narrow life exception. In fact, the legislation's exception only allows that the ban, and please let me quote from the bill here, ''shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.'' Not her health, but only her life.

There is no question that any abortion is an emotional, wrenching decision for a woman. No one would debate this. And when a woman must confront this decision during the later stages of a pregnancy because she knows the pregnancy presents a direct threat to her own life or health, the ramifications of such a decision multiply dramatically.

We stand on the floor of this body day after day and pontificate on laws, treaties, appropriations bills, and budget resolutions. But how often do we really, truly consider how a piece of legislation will affect someone specific

. . . a wife or a husband . . . a mother or a father? And I don't mean knowing how the budget numbers or appropriations will generally help our constituents, I mean considering the very, very personal lives of our constituents.

This last March the Lewiston Sun Journal, a paper in my home state of Maine, ran an article about a woman in Maine, one of the women that I was elected to represent, who had faced the heartbreaking decision of a late-term abortion. Before I tell my colleagues her story, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Ms. SNOWE. Mr. President, Barbara and her husband had been ecstatic when they discovered that they were expecting a child—an unborn daughter they would name Tristan. But this anticipation and delight turned to profound sorrow when, at 20 weeks into the pregnancy Tristan was diagnosed with a rare genetic disease called Edwards' syndrome. An extra chromosome in Tristan's DNA had caused lethal abnormalities.

The Sun Journal reports that ''Their daughter would have severe heart and gastrointestinal problems, they were told. In an ultrasound image, they could already see cystic tissue forming on top of Tristan's brain and partly outside of the skull tissue. The shape of her stomach and diaphragm muscle were abnormal. Her diaphragm was perforated. Her stomach was growing in her heart and lung cavity. In all likelihood Tristan wouldn't be born alive. She probably would suffocate before that because her lungs would be so underdeveloped. Barbara and her husband were told that no surgery could or would be possible.'' In fact, doctors predicted that Tristan would probably die before she was born. And if not, she had a 95 percent chance of dying before her first birthday.

Barbara told the Sun Journal that ''It seemed to us that it would be cruel, that it would be absolute torture to put our little girl through the pregnancy. . . . With her heart and her lungs being crushed by her stomach and her diaphragm. We were worrying what it would feel like. What sensation she might be experiencing as the cystic tissue continued to grow on her brain.'' And as Barbara and her husband consulted other medical specialists and prayed over the fate of their daughter, Barbara remembers that ''I was so afraid for my baby. I didn't want her to feel any pain in the last hours of her life. . . . It wasn't really life yet. She wasn't born.''

Barbara remembers that ''Loving the baby was never part of the discussion. . .. Of course you would love the baby no matter what was going on, disability or healthy. I think sometimes there's a misperception about that, that love might be conditional based on whether it's a perfect fetus or not.''

This family in Maine is what the debate today is really about—when does the State have the right to tell Barbara and her husband that they cannot have the abortion they believe to be the best medical procedure? A procedure that will protect her health and her future fertility? At the very end of her story, Barbara tells the Sun Journal that women who have abortions are unfortunately ''portrayed as some kind of careless monsters without any kind of moral direction. The people who know me would be aghast that that's how I'm seen by people who don't even know me.''

I stand before this body today and I am saddened that there are those out there who would so judge Barbara and her husband. Because I do believe they have moral direction—and I don't believe that I or my fellow Senators should be able to tell them when a decision such as this is wrong or medically inappropriate. I don't believe that I have the medical training necessary to decide when one type of medical procedure is best used over an alternative procedure.

And let there be no doubt about it, this legislation does nothing but create an inflammatory political issue. This legislation does nothing to end postviability abortion—nothing—or to prevent unwanted pregnancies. And courts around the country have recognized this.

In fact, of the 30 states that have enacted legislation banning so-called ''partial birth'' abortions, there have been 21 court challenges and 19 of these challenges have been either partially or fully enjoined while their constitutionality is considered. Four U.S. Courts of Appeal have ruled on the issue—and just this September, the U.S. Court of Appeals for the Eighth Circuit affirmed three trial court injunctions on partial birth abortion bans in Arkansas, Iowa, and Nebraska.

When the Kentucky District Court overturned its State's ban on these so-called ''partial birth'' abortions this year, the author of the decision, the Honorable John G. Heyburn, II, said ''By adopting a considerably less precise definition of a partial birth abortion, the legislature not only defined the terms of its prohibition, but also said a lot about its own collective intent. Though the Act calls itself a partial birth abortion ban, it is not. The title is misleading, both medically and historically. . . . A few [legislators] seem to disregard the constitutional arguments and push for language which they believed would make abortions more controllable.''

And though proponents of this legislation claim that these bans address only one abortion procedure, courts have disagreed. Last year, the Honorable Charles P. Kocoras, a U.S. District Judge for the Northern District of Illinois, also struck down an Illinois law banning these so-called partial birth abortions. In his opinion Judge Kocoras stated that, ''[The Act] has the potential effect of banning the most common and safest abortion procedures. . . . To ensure that her conduct does not fall within the statute's reach, the physician will probably stop performing [all] such procedures. . . . Because the standard in [the Act] effectively chills physicians from performing most abortion procedures, the statue is an undue burden on a woman's constitutional right to seek an abortion before viability.''

And this year, the Honorable G. Thomas Porteous, writing for U.S. District Court for the Eastern District of Louisiana said that the Louisiana ''Partial Birth'' Abortion ban ''advances neither maternal health nor potential life and clearly would create undue burdens on a woman's right to choose abortion. At most, the Act may force women seeking abortions to accept riskier or costlier abortion procedures which nevertheless result in fetal death.''

Riskier or costlier? At what price? Can you ask Barbara and her husband to risk that? They desperately wanted their baby—and though they were faced with losing her they knew that they would want to try again. Four years later they have a beautiful 2½-year-old daughter. But they would not have this daughter nor even had the chance to try again had Barbara been forced to have a procedure that threatened her ability to have another child. What if the riskier or costlier procedure Judge Porteous referred to had been a total hysterectomy?

Is this what we really want? To put Barbara's health and life at risk? To put women's health and lives at risk? Shouldn't these most critical decisions be left to those with medical training, and not politicians?

I believe so. I believe that a decision such as this should only be discussed between a woman, her family, and her physician. I am absolutely and fundamentally opposed to all post-viability abortions except in the instances of preserving the life of or preventing grievous physical injury to the woman. This legislation neither provides for those exceptions nor does it prevent post-viability abortions.

I yield the floor.

EXHIBIT I

[From the Lewiston (ME) Sun Journal, Mar. 7, 1999]

ABORTION: ONE WOMAN'S STORY

(By Christopher Williams)

For weeks Barbara and her husband had consulted medical experts and researched scientific journals. They meditated and prayed.

To the visible mound protruding above her waist Barbara spoke quietly, lovingly. She

sang to it. She sometimes felt the light flutter of kicks.

The day before final tests had confirmed the diagnosis, Barbara and her husband had named their unborn daughter Tristan, which means tears and sadness.

Then the time came for Barbara's decision.

It's not the kind of choice that any mother ever wants to have to make.

She would have an abortion.

''I didn't feel like I was taking my baby's life away,'' she says ''I felt like it had already been taken away from her. And all that was left for me to have any control over was what was going to be the least painful for her.''

QUALITY OF LIFE

It was the last day of summer.

Barbara made the 2½-hour trip from her Camden home to Portland. She rocked all night in a motel room, crying, unable to stop.

At 20-weeks, Tristan had been diagnosed with a rare genetic disease called Edwards' syndrome. An extra chromosome had caused ''lethal'' abnormalities.

Doctors said Tristan would probably die before she was born. If not, she had a 95 percent chance of dying before her first birthday. No surgical options could correct the multiple birth defects.

''It seemed to us that it would be cruel, that it would be absolute torture to put our little girl through the pregnancy,'' Barbara recalls. ''With her heart and her lungs being crushed by her stomach and her diaphragm. We were worrying what it would feel like. What sensation she might be experiencing as the cystic tissue continued to grow on her brain.''

As Barbara continued rocking in her motel room, cramps from medicine preparing her for the abortion gripped her insides.

''I was so afraid for my baby. I didn't want her to feel any pain in the last hours of her life,'' she says adding, ''It wasn't really life yet. She wasn't born.''

She also was ''grateful'' that she didn't live in a state that would ''force me to carry her to term because I knew at that moment, in those hours, that if I had, I probably would have cracked up.''

The strain would likely have landed end of the process. To have done that, feels to me, like it would have been the epitome of selfishness.''

The last few days, Barbara had been jolted awake by nightmares, including ''ghastly images.'' In one of the dreams, a python had devoured her youngest niece.

The dishes had piled up in the sink. Housework was forgotten. Tristan was the only thing they talked about.

THE ABORTION

The abortion was scheduled for Sept. 23, the first day of fall.

There was only one place in Maine where an abortion could be performed in the 20th week of a pregnancy.

Barbara would have a procedure called a dilation and extraction. Her cervix was slowly dilated. Then the fetus was extracted. The method would be less damaging to her uterus and therefore to her future fertility.

Rain poured down. By noon the sky had darkened, turning an eerie greenish yellow. Barbara imagined it was ''crying as deeply as I was because that day I was losing Tristan.''

She wandered around the halls of the hospital guided by her husband's hand on her elbow. She remembers staring at signs, but not understanding their meaning. Studying the words, she didn't know what she was reading.

In the waiting room, she shook uncontrollably and kept breaking into sobs, consoled by her husband.

''I couldn't stop them. I kept trying to think of anything to shut down the tears. Sitting in that waiting area. Just kept crying and waiting.''

A nurse's clipboard recorded Barbara's demeanor as ''appears emotional.''

The abortion took 45 minutes. She asked for general anesthesia. Then she spent about an hour recovering before she was allowed to leave the hospital.

Driving back to Camden, she reclined in the seat, putting her feet on the dashboard. It was raining even harder.

''The sky was so dark. And it was only mid-afternoon, early evening. It was much darker than it should have been.''

GRIEF

But that was just the beginning, Barbara says.

For the next two years, she cried every day. The first year, several times a day.

''I don't mean light crying, where you can sort of keep it back. I mean it would kind of well up from my center and it just didn't seem to stop. It seemed to be bigger than the person who's doing the crying. There was so much grief over the baby I'd hoped for,'' she says.

She wasn't grieving her decision to have the abortion, Barbara says, ''That's a very important distinction,'' That decision was the ''most humane choice possible for Tristan.''

Instead, she was grieving for the child she didn't have.

''I had so much grief for the baby that I had fantasized about. A vibrant, healthy little girl.

For the two years following her abortion, Barbara was treated by a therapist who helped her to work through the grief.

She decided not to join the support groups for parents who suffered the loss of babies due to stillbirth, miscarriage or ''other means,'' as if it's a ''dirty phrase'' to say abortion.

Yet, Barbara says she is ''very careful'' about revealing the details of how her pregnancy ended.

''By and large most of the people I'm close with I would describe as moral, ethical people and without exception they were all supportive about the decision we had made, which is not to say they would have done the same thing,'' she says.

''But they seemed to inherently understand that if you're not in the situation, how could you possibly know all the ins and outs of the circumstances and come up with the universal which is right and which is wrong, a cookie-cutter answer for someone else's baby.''

FEAR

Four years later, Barbara sits on the couch in her cottage overlooking the water. Her legs are tucked under her and her 2½-year-old daughter is asleep on her breast.

Outside, in the garden, a dark gray angel cherub perched on the edge of a scallop shell keeps watch.

A week after the abortion, Barbara and her husband bought the sculpture, which doubles as a bird bath. Each summer, they plant marigolds around it and a bleeding heart behind it.

On the first day of November every year, they sprinkle marigold petals from the garden to the steps of the house. It's a Catholic tradition in Mexico performed during the day of the dead, she explains. The petals are intended to lead Tristan back to hearth and home. Barbara learned of the ceremony when she lived in New Mexico and made frequent trips over the border.

Their daughter knows about Tristan. Sometimes she wanders over to the angel, talking to the statute and stroking its smooth stone surface.

''She knows there was a baby named Tristan who wasn't born, who was in mommy's tummy,'' Barbara says.

Barbara asked that her last name not be used, fearing harassment or intimidation by those who disagree with her decision to seek an abortion.

She sees a growing threat to abortion access around the state. A citizens' petition aimed at ''partial birth'' abortions is clearly an attempt to further erode reproduction rights, she says.

Although she and her husband collected all of the information about Tristan and discussed the options for weeks, Barbara says he recognized who had to make the final choice.

''He was being very clear that ultimately it was my body that we were talking about.''

But others don't.

''Today, we're portrayed as some kind of careless monsters without any kind of moral direction. The people who know me would be aghast that that's how I'm seen by people who don't even know me.''

Mr. FEINGOLD. Mr. President, I want to take the opportunity to state my position on S. 1692, and to explain the reasons why I will again oppose this legislation.

I respect the deeply held views of those who oppose abortion in any circumstances. I have always believed that the decisions in this area are best handled by the individuals involved, guided by their own beliefs and unique circumstances, rather than by government mandates.

Second, like most Americans, I would prefer to live in a world where abortion is unnecessary. I support efforts to reduce the number of abortions through family planning and counseling to avoid unintended pregnancies.

I support Roe v. Wade, but I also understand that some restrictions on abortion can be constitutional when there is a compelling State interest at stake. I have previously voted to ban post-viability abortions unless the woman's life is at risk or the procedure is necessary to protect the woman from grievous injury to her physical health. That is why I will vote for the Durbin alternative to S. 1692. I conduct a Listening Session in every one of Wisconsin's 72 counties every year. In 1997 and 1998, hundreds of Wisconsin citizens came to talk to me about their serious and sincere concerns that, in some nearby states, abortions are being performed very late in pregnancy for reasons that they believe are not medically indicated. I support legislation that will actually reduce the total number of late-term abortions while providing reasonable exceptions when necessary to deal with serious medical situations. I am disappointed that the proponents of S. 1692 have steadfastly refused to accept any amendment, no

matter how tightly crafted, which would include provisions to protect women's physical health. This intentionally polarizing approach is the reason people suspect that the objective of the bill is to further a political issue rather than change the law.

I am concerned that S. 1692 will not stop a single abortion late in pregnancy. The bill, by prohibiting only one particular procedure, creates an incentive for an abortion provider to switch to a different procedure that is not banned. The Durbin alternative amendment would stop abortions by any method after a fetus is viable, except when serious medical situations dictate otherwise.

I am supporting the Durbin amendment because it recognizes that, in some circumstances, women suffer from severely debilitating diseases specifically caused or exacerbated by a pregnancy or are unable to obtain necessary treatment for a life-threatening condition while carrying a pregnancy to term. The exceptions in the Durbin amendment are limited to conditions for which termination of the pregnancy is medically indicated. It retains the option of abortion for mothers facing extraordinary medical conditions, such as: breast cancer, preeclampsia, uterine rupture, or non-Hodgkin's lymphoma, for which termination of the pregnancy may be recommended by the woman's physician due to the risk of grievous injury to the mother's physical health or life. In contrast, S. 1692 provides no such exception to protect the mother from grievous injury to her physical health. At the same time, by clearly limiting the medical circumstances where post-viability abortions are permitted, this legislation prohibits these procedures in cases where the mother's health is not at such high risk.

I also feel very strongly that Congress should seek to restrict abortions only within the constitutional parameters set forth by the U.S. Supreme Court. I would have preferred that S. 1692 had been reviewed by the Judiciary Committee on which I serve, rather than having been placed straight on the Senate calendar. I believe S. 1692 raises significant constitutional questions, and with court decisions in 19 of the 21 states where state legislation similar to S. 1692 has been challenged, the Judiciary Committee should have reviewed this bill prior to its consideration on the Senate floor.

S. 1692, by prohibiting a procedure whenever it is used, breaches the Court's standard that the government does not have a compelling interest in restricting abortions prior to fetal viability. However, I am also aware that some of the recent decisions on state legislation similar to S. 1692 raises questions about whether an exception for grievous physical injury may be too narrow. To date I have supported this very narrow definition of the exception necessary to protect the physical health of the woman while balancing concerns that abortion late in pregnancy should only be used in rare circumstances. I have specifically voted for the Daschle amendment last Congress, legislation which exactly reflects this position. The Durbin amendment contains similar language.

The Durbin amendment goes farther than the Daschle amendment in ensuring that the exceptions to the ban on post-viability abortions are properly exercised. It requires a second doctor to certify the medical need for a post-viability abortion. The second doctor requirement is intended to ensure that post-viability abortions take place only when continuing the pregnancy would prevent the woman from receiving treatment for a life-threatening condition related to her physical health or would cause a severely debilitating disease or impairment to her physical health.

The Durbin alternative amendment strikes the right balance between protecting a woman's constitutional right to choose abortion and the right of the state to protect future life. It protects a woman's physical health throughout her pregnancy, while insisting that only grievous, medically diagnosable conditions could justify aborting a viable fetus. Both fetal viability and women's health would be determined by the physician's best medical judgement, as they must be, in concurrence with another physician.

I hope, as we vote today, we do so in full knowledge of the strong feelings about this issue on all sides. We should respect these differences, avoid efforts to confuse or trick each other and the public, and maintain a level of debate that reflects the importance of ascertaining the truth about this issue and finding responses that are sensitive and constitutionally sound.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from New Hampshire is recognized.

ORDER OF PROCEDURE

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that immediately following my remarks there be a period for the transaction of routine morning business.

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

Mr. SMITH of New Hampshire. Mr. President, I thank my colleagues, the Senators from Ohio, Mr. DEWINE, and Alabama, Mr. SESSIONS, for their kind remarks. It has been a long, long struggle, and we are still not there yet. It is very frustrating to this Senator, who initially came to the floor in the mid-1990s, the early 1990s, in 1994 and 1995, where I found out these kinds of procedures were occurring, the so-called partial-birth abortions. I was shocked and I could not believe that in America we would be doing anything like this. This is America, I thought, we can't be killing children inches from birth. It makes no sense.

So I sought answers and talked to a number of people, including a nurse who had witnessed them. After getting all of that information together, I decided to write a bill banning partial-birth abortions. Here we are. Each time we have passed it here, it has been vetoed by the President of the United States, regretfully. I think it has been two or three times now. There will be another veto coming if we pass it again. But initially, when we started, we only had 25 to 35 votes on the floor because we were told it was only four or five times a year. Then we were told it was maybe 15 times a year. As the years progressed, we found out this is on demand and is not strictly for abnormalities at all but, rather, on demand, for any reason, if a woman chooses to have such a procedure.

So it has been a long struggle. As I listened to the debate—and I have been on the floor all day listening to my friend, RICK SANTORUM, the Senator from Pennsylvania, who has done such an outstanding job on this issue. He is very passionate. You need to be passionate on this issue. I don't know how anybody can come down on the floor of the Senate and talk about this issue and not be passionate. We are killing unborn children who are in the process of exiting the birth canal. That is what needs to be understood. I ask my fellow Americans and my colleagues, don't we have better things to do than that here in America?

I am proud to say that I, to some extent, exposed this horrible procedure, establishing that it did take place. I am proud to say that I exposed it for what it is—infanticide, or murder. That is what it is. We are killing children as they exit the birth canal, and we are putting all kinds of labels on this process. We are saying all kinds of things to cover up what is happening. I remember—how well I remember—the incredible amount of flack I got for standing on the Senate floor with a plastic medical doll. The liberal press called it a plastic fetus. There is no such thing. It was a medical doll. And with a pair of scissors, I demonstrated how this process worked because I thought the American people needed to know what was happening.

I was terrorized, if you will, by the press, bashed, called a ''right-wing extremist,'' and ''out of the mainstream.'' Of course, those people who commit these acts of violence against these children are not extreme in the eyes of the media, which is fascinating.

President Bill Clinton personally came to my State, as did Vice President Gore, as did Mrs. Clinton, and campaigned against my reelection in 1996 on this issue. It was ugly; it was nasty; it was brutal. But, you know, for every one of those arrows that I took, I said to myself, it is all worth it because these children can't speak for

themselves. They do not have the opportunity to stand here on the Senate floor. They don't have a representative here unless we do it for them. They don't get a chance to say I would like to be born. They don't have that opportunity.

So I am proud to take every arrow they can throw, shoot, or whatever they want to do. I take it as a badge of honor. And I am glad to do it.

I got an incredible amount of flak from the media on this to the extent that they have distorted what I said. It is interesting to read ''mainstream'' respectable papers such as the New York Times and find that they cannot get it right. We called a number of times to correct these papers and reporters to tell them that the things they were saying I did I didn't do.

For example, they said, as I indicated earlier, that I waved a plastic fetus around on the floor of the Senate when it was a little medical doll. They did get the scissors right. They also then said I showed pictures of aborted children on the floor of the Senate, photographs, which was not true. I showed a photograph of a child who had been born prematurely and had lived. That, I did show. In fact, some of them went so far as to say that I actually showed photographs of an actual abortion, which, again, was not true. They had a heyday at my expense. I lived through it all. I am proud of it.

People said, well, you know you made a mistake, Senator, that almost cost you your election last time. You know you did all of this on the Senate floor.

I would do it again. I am going to do it again right now for whatever time it takes for me to make the point that I want to make tonight.

There are several points that I want to make.

One of them that I want to make is that this is a disgusting, dark, horrible game we are in, this abortion industry. And somebody needs to take a flashlight or, bigger than that, a searchlight and shine it into this industry so that we find out exactly what is going on in this abortion industry. It is not just partial-birth abortion. It is abortion in general.

It is a dirty business. It is a profitable business. There are people making money out there at the expense of young women, young mothers, who are in a terrible dilemma. They are making money on them.

We are going to find out, as I move through my presentation tonight, that we are going to be talking about some things in this industry that aren't too pleasant. It is not just that they are making money on the women. We will get into that a little bit further in a moment.

But I think most Americans, if they knew what was going on, would be disgusted, appalled, sickened, and angry that such a brutal act as killing a child with scissors to the back of the head, with no anesthesia, in the act of birth, would go on in this America—defenseless in America, a defenseless little unborn child. We do it at random. We do it 4,000 times a day, every day—not just partial birth but abortions in general, 4,000 of them every single day. We don't know how many partial births. It doesn't matter; it is still the killing of a child.

I ask my colleagues and those who may be watching out across America tonight: If you saw an article in your local paper tomorrow that said that all of the puppies and all of the kittens in your local SPCA that no one adopted were going to be killed tomorrow with no anesthetics, with a needle to the back of the head to suck out the brains of those animals, what would be your reaction? I guarantee you there would be people marching down in front of the SPCA, and it wouldn't happen. But that is what we are doing to our children.

I know it is not pleasant to talk about. I don't like to talk about it.

I wish I didn't have to stand on the floor of the Senate as some of the great orators and great Senators of all time have stood and debated the issues of the day. Think about it, the issues of the Civil War, the issues of federalism, and civil rights, all of the great issues of the day that have been debated right here with some of the greatest people—John C. Calhoun, Daniel Webster, at whose desk I sit—the great debates that have taken place in here. Yet because this President refuses to stop this procedure, we are down here now again for the fifth or sixth time debating this again trying to stop this horrible, horrible procedure that kills unborn children.

Why are we surprised, my fellow Americans, when we pick up the newspaper and read somewhere that a mother flushes her child down the toilet or that somebody shoots somebody in school? Why should that surprise you? What message are we giving to our children? We are telling them every day: Children, you are expendable. You are not important. Go to school today, Johnny. You be a good boy. While you are in school doing your class work, and then you come home to do your homework, we are going to abort your sister.

Kids understand. They know what is going on. They are smarter than you think they are. They know what is going on. They read about this stuff. They hear it. Some of them are listening to this debate right now. They know what is happening.

Yet as horrible as this procedure is, and as many times as so many people have been down on this floor, as my two colleagues a moment ago did, eloquently discussing this issue and talking about how horrible it is, as I have done, as Senator SANTORUM has done in great detail over the years, as many times as we talk about it, we still can't get enough votes to override the veto of the President of the United States.

It is frustrating. I tried one time to meet with the President of the United States personally on this issue. I asked him for 15 minutes of his time. I said, I will go on the record, off the record, with staff, without staff, personally, with just you and me, whatever you want. Just give me 15 minutes. I couldn't get it. He wouldn't deal with me. He wouldn't talk with me about it.

This procedure that kills a child, as you have seen it described—I will not go through the description again—is legal in all 50 States of the United States of America.

In addressing the controversy over the partial-birth abortion method, the National Abortion Federation has written to its membership and said don't apologize for this process. Do not be on the defensive for killing children this way because it is a legal procedure. It is legal to do this. So don't apologize for it. When somebody says, oh, you know, you took scissors to the back of a head and you killed a little baby coming out of the birth canal, don't apologize for that, they say. It is right in their literature because it is legal.

This is America. America, America, we sure need help. If we ever needed God to shed his grace on this great country, it is now. We are killing the posterity that the Founding Fathers talked about—our posterity, our children. We are killing them every single day—not just with partial-birth abortion but with all abortions—4,000 a day. Think of it: 4,000 abortions a day in this country; 4,000 children—children. Let's use the correct term.

Many of my opponents argue that this procedure is necessary to preserve the health of the mother. I am going to dispel that myth in great detail in a little while. I hope you are listening because it is a myth. It is not done for the health of the mother; it is done for the profit of the abortionist.

President Clinton twice vetoed this legislation with false and deceptive information and justification.

How does partially delivering a living child and then restraining it from exiting the birth canal so that only the head remains in the womb possibly enhance the health of a mother?

I have asked that question on the floor 100 times, and I can't get an answer. You have to understand now. The child is exiting the birth canal. The abortionist is holding the child—actually holding that child—in his or her hands and forcefully stopping the head from exiting the birth canal because once the head exits the birth canal, it is a birth. It is a birth.

What is he holding? Is that not a child? What is that part of the body? The feet, the legs, the torso, the shoulders, the hands, what is that? That is

not supposed to be a child? If the baby turned around and exited headfirst, you couldn't do it because then it is born.

That is a pretty fine line. That is a pretty fine line. They do that in the name of the mother's health? You have got to be kidding me.

What is wrong with this country? Where are we going? We have to stand down here on the floor of this Senate and protect and fight to protect the lives of children, our children, killed in this way every day in America, every day. We can't win because the President will veto what we pass with about 63 or 64 votes. He will veto it. We need 67 votes.

President Clinton's claim that partial-birth abortions are only undertaken to protect the mother from serious injury to her health has been conclusively proven to be false. When he says that—and he will when he vetoes it—he is not telling the truth. In fact, the vast majority of partial-birth abortions are performed on perfectly healthy women with perfectly healthy babies—that is the truth—80 to 90 percent, perfectly healthy women, mothers and babies.

The Nation's leading practitioner of partial-birth abortion, Dr. Martin Haskell of Ohio, has been quoted extensively today. He said in the American Medical Association's American Medical News:

> I'll be quite frank. Most of my abortions are elective, in that 20 to 24 week range. In my particular case, probably 20 percent are for genetic reasons and the other 80 percent are purely elective.

That is the abortionist speaking. That is not me. It is not some pro-life organization. That is the abortionist.

He said 20 to 24 weeks; 24 weeks is a 6-month fetus.

I want to share with my colleagues a phone call I received in my office a few months ago from a 9-year-old girl. She said to me: Senator, I heard you were very much pro-life. I want to give a message that I would like you to share with your colleagues and with the American people as you travel around the country.

She said: I want them to know that I'm now 9 years old but my Mommy gave birth to me at 5 months; she was 5 months pregnant, and I lived and am here to tell you and tell America that babies at 5 or 6 months in the womb can survive. I'm glad my Mommy didn't pick that option.

When somebody says we are not taking the lives of unborn children, we are not taking the lives of people who have an opportunity to be productive members of our society, they are wrong.

At the White House veto ceremony Mr. Clinton hosted the last time he vetoed the partial-birth abortion ban, he presented five women at a press conference whom the President said ''had to make a lifesaving, certainly health saving but still tragic decision, to have the kind of procedure that would be banned by H.R. 1833.'' That is, the ban of partial-birth abortions.

The President around this town and around America doesn't have the greatest reputation for telling the truth, and he didn't tell the truth there either. Despite saying those five women had health-saving partial-birth abortions, one of the women involved in the press conference later publicly admitted neither her abortion nor those of any of the other four women was actually medically necessary.

Two days after the ceremony, one of the five women, Claudia Ades, appeared by telephone on a radio show in Mobile, AL, and quotations from the interview appear in the May-June 1996 edition of the newspaper Heterodoxy. During the course of the radio show, she told Mr. Malone, the MC: This procedure was not performed in order to save my life. This procedure was not performed in order to save my life.

This procedure was elective. That is considered an elective procedure, as were the procedures of all the other women who were at the White House veto ceremony.

Here again, President Bill Clinton is using people and not telling the truth.

The health-of-the-mother exception is so broadly defined, it would include the mother's emotional health, let alone physical health.

I don't enjoy talking about this stuff on the Senate floor. I don't enjoy standing here and talking about the fact we are killing our children. Who does? If we don't, it will keep on happening. Some in politics, some even in the Republican Party, the pro-life party in America supposedly, said we shouldn't talk about this issue; it is too controversial; let's sweep it under the rug and try to be less confrontational, be more together.

I don't believe we ever would have ended slavery or segregation or any of the other great issues we resolved in American history if we hadn't talked about it, if we hadn't faced it. Suppose Lincoln had said: I'm totally opposed to slavery, but my neighbor wants to own a couple of slaves; that is OK with me; I will not make a big deal out of it.

So we can take that approach on abortion and say, I'm personally opposed to abortion but my neighbor wants to have an abortion; that is OK with me.

Somebody has to stand up for 4,000 babies a day who are being killed in this country by all abortions. I don't mind being that person, I will be very honest. If that means I lose an election somewhere, that is fine with me. I am not here to compromise my views to win elections. I am here to lead, to stand up on principle. Otherwise, I don't want to be here. Anybody who stands here and says they are afraid to discuss this issue or won't come down here and discuss this issue because they are afraid they might leave ought to resign because they are not bringing dignity to this body. They should stand up and passionately fight for what they believe.

I will review in a few moments some very dirty, disgusting little secrets about the abortion industry in this country. It doesn't apply strictly to any one type of abortion; it applies to abortions in general. It is not pleasant. It is not pretty. It is pretty graphic. But I am going to talk about it because the American people need to understand what is going on. These children don't have a voice. They can't ask for the opportunity to be born.

Imagine, since Roe v. Wade passed—and we will have a vote on that very shortly, tomorrow, this infamous Roe v. Wade decision in 1973—40 million babies have died in this country. I don't want anyone to misunderstand me lest I be accused of misusing facts. All abortions, including partial-birth abortions—40 million babies.

Have you ever stopped to think what some of those babies might have grown up to be had they had the chance? I wonder if there is a President in that group. How about a doctor? How about a cure for cancer? Maybe there is a scientist who would cure breast cancer—wouldn't that be ironic—or cure any type of cancer, or perhaps discover some big secret in the universe, maybe even a Senator. Never to have a chance to live their dream, never to have a chance to grow up, have a family, to pursue their dreams—gone, down the drain. They didn't have a chance to talk about it, didn't have a chance to even ask for mercy; they were just eliminated.

Do the math. We have about 260 million Americans. We have killed 40 million of them in the years since Roe v. Wade, and we have people on this floor bragging about Roe v. Wade, what an important decision it is and has been in American history. You bet it is important; they are right about that.

We took the lives of 40 million of our fellow citizens, 40 million people who never get a chance to pay Social Security taxes or pay any taxes or build any bridges or buy any products or contribute any money to the U.S. Treasury, if you want to put it in those terms, never, never had a chance. Mr. President, 40 million children, one-seventh of the entire U.S. population, one-seventh, and we are killing them.

You do not think we have some cultural problems in America? Unbelievable. I would like to ask all of you listening to answer this question silently to yourself: If you knew a woman who had three children born blind, two children born deaf, and one child born retarded, she was pregnant again and she had syphilis, would you recommend she have an abortion? Answer to yourselves out there. I will give you a second.

Guess who you just killed? Beethoven. That was Beethoven's mother, a pretty fair contributor, I would say, to the arts of the world, and this country. Who are we, Roe v. Wade? Who are we to do that to the Beethovens, the potential Beethovens of the world? This is a sick society, for people to stand down here and defend that, and that is what we are doing.

Mr. President, 95 percent or more of all abortions are used for birth control, 1 or 2 percent of all abortions performed are done because the life of the mother was threatened or she was raped or sexually abused by a member of her family—a small minority. That means over 38 million abortions occurred for a variety of reasons that boil down to one word—convenience. It is convenient. That is what it is, convenience. The mother was too old, maybe too young, in high school, maybe in college, had to work, didn't have a husband, didn't have a boyfriend; it wasn't in her best interests to have the baby; she had her whole life ahead of her. Pick any excuse, pick any reason. Pick the one you like, but that is the reason—convenience. It is a little inconvenient, isn't it? I have raised three children. Sure, it is inconvenient. But they are beautiful and I am sure glad I have them, and I am sure glad nobody made the decision to end their lives.

I know many of these desperate young mothers myself. I serve on the board of a home for unwed mothers. I have raised money for homes for unwed mothers. I have compassion for these mothers and for those who have gone through a horrible experience of having an abortion, or struggling in terms of whether to have the abortion or not, or whether to give the child up for adoption or to keep it.

I must say to any woman out there listening to me tonight, any mother, there are people out there who will help you. There are people out there who will help you. You do not have to have an abortion and you don't have to listen to one side of the argument. Ask. If you want help, call my office; I will put you in touch with people who will help you. It would be my honor and privilege to do that. Don't have an abortion; have your child like I did, my wife and I. You will be glad you did when you get down the road. You will be very glad you did.

You have other options available, options that will benefit you, that will benefit your child. Choose adoption or choose to keep your child. There are people out there who want to love that child. In either case, adoption or keep your baby, choose life. I beg you to do that, please. Do it for yourself; don't do it for me. Do it for yourself and for your baby. You will be glad you did. I promise you will. It will be tough for awhile but you will.

All across the fruited plains of America runs a river of abortion—blood. School shootings, we blame guns for that. After all, it could not possibly be our fault. Babies born alive left in trash cans: A young woman who goes into a restroom, gives birth to a child and throws it in the trash can can be prosecuted for murder. If she had a partial-birth abortion 5 minutes before that happened, it is all legal. Is there any difference in terms of the result, the child? It is still a child, isn't it?

Why are we here today? I just told you a few moments ago. It is to outlaw a cruel, inhuman procedure used for late-term abortions, a process so barbaric and so inhuman we would not even do it to animals. We wouldn't even think of it, I promise you. It is not being done to animals anywhere in the country.

We fell three votes short last time to override this President. I would give anything to have this President change his mind and not veto this. Do you realize how many children died since then? We don't really know. We know there are thousands who die from partial-birth abortions every year. If you multiply that by 4 or 5 years, we know it is probably in the vicinity of 15,000. I don't know what the number is. Whatever it is, it is too many. But hundreds, if not thousands, of young children are gone, just because the President of the United States refused to sign that bill; three votes short of an override. You talk about whether one vote means something or two votes mean something? You bet they do. If you are out there somewhere in America and you think I am right, you ought to take a look at who your Senators are and see how they are voting on this because those votes are going to cost lives. We are not talking about budgets. We are not talking about taxes. We are not talking about things such as that. We are not talking about anything other than lives, American lives, little babies.

Generically, without singling anybody out, let me speak to those Senators out there who might be wavering. I know some of you have been struggling with this vote for 4 years. You know in your heart it is wrong to kill unborn children this way. You know it, but you have connections to the abortion industry, the National Abortion Rights League, and others. I know they pressure you. I know I get pressured on the other side, too. I know what pressure is. We all do. But in your heart you know it is wrong. You can stop it. Three more votes or four more votes here can stop this. We can save thousands of lives down the road—thousands.

Imagine, if you could, all those children who have died from just partial-birth abortion in the last 25 years coming here today. If they had the opportunity to live, what do you think they would say? I don't think they would be with those who say, no, we ought to have this process. I don't think so. Maybe I am wrong. I have been wrong before.

Hold your grandchild in your arms, or your child, and ask yourself: How far removed is that grandchild or child from the process that you are voting to allow? A year? A month? Maybe you have a newborn. Think about it. I have.

According to the American Medical Association, the partial-birth abortion method is never medically necessary—never medically necessary. According to the Physicians' Ad Hoc Coalition for Truth, partial-birth abortion is likened to infanticide and is considered an extremely dangerous procedure.

Let me quote from these physicians:

> The prolonged manipulation of the cervix introduces a serious risk of infection and excessive bleeding. Turning the child inside the womb using forceps risks rupture or puncture of the uterus, infection, and hemorrhage from displacing the placenta. Inserting the scissors—a blind procedure—risks cutting the cervix.

That is one doctor.

Another one says:

> Beyond the immediate risks, partial-birth abortion can undermine a woman's future fertility and compromise future pregnancies.

Many pro-abortion advocates have publicly stated their opposition to the partial-birth-abortion technique. Warren Hern, the author of the Nation's most widely used textbooks on late-term abortions, said:

> You really can't defend it. I would dispute any statement that this is the safest procedure to use.

This leads me to another dirty little secret about the industry which is that abortion clinics are losing doctors who are willing to perform abortions. Do you know what happens when you lose the ability to perform abortions? You lose the ability to make money.

My colleagues on the left will assert that they are afraid they are going to get killed by a pro-life activist. That has happened seven times, and it is seven times too many, but it has happened. I have statements from the media, the abortion industry, and the doctors themselves that say the reason abortion clinics cannot find doctors is because they are considered losers in the medical field.

Those of us who have been pro-life who have been talking about this are making a difference in some of these abortions. Abortionists are losers. They are having such a tough time recruiting abortionists. They are actively lobbying right now to force medical students to perform abortions. What happened to choice? It is very interesting, isn't it?

Listen to these quotes from the abortion industry. I am making these points because I want to lead you into the next issue of what is happening in the industry and why these things are occurring and what you will see where I am leading you in terms of another

ugly little secret, dirty little secret about what is happening in addition to the abortionists. Here is what Morris Wortman, abortionist, Democrat and Chronicle, 1992, said:

Abortion has failed to escape its back-alley associations . . . [it is the] dark side of medicine . . . Even when abortion became legal, it was still considered dirty.

That was the abortionist.

Joe Thompson, retired abortionist, South Bend Tribune, December 26, 1992:

In obstetrics and gynecology, the term abortionist is a dirty word.

Jean Hunt, former executive director, Elizabeth Blackwell Center, Philadelphia, PA, Westchester Daily Local News, November 26, 1992:

Doctors today see abortion as a mud puddle not worth jumping into.

David Zbaraz, abortionist, Washington Post, 1980:

[Abortion is] a nasty, dirty, yukky thing and I always come home angry.

Another:

. . . some residents are concerned about being stigmatized for performing abortions and feel they are likely to perform abortions once in practice.

Abortionist Trent MacKay and Andrea Phillips MacKay, Family Planning Perspectives, May and June, 1995.

Organized medicine has been sympathetic to abortion—not abortionists.

Carol Joffe, pro-abortion author, 1998.

A couple more:

[Abortion] is a difficult field from an emotional aspect. Some of us, and all of us, I suspect, to some degree or another, have emotional isolation and separation and distance from some of our social friends, certainly from the community and from our professional colleagues.

George Tiller, abortionist, St. Louis, MO.

On the status of abortionists, Warren Hern says.

. . . status of [abortionists] is somewhere well below the average garage mechanic . . . patients do not value what we do.

Richard Hausknecht, abortionist, January 1998:

It's true that abortion providers are perceived as not very good doctors—that they have no alternative so they do abortions, that they cannot earn a living any other way.

Is that the kind of person you want to send a woman to because you want to protect her health?

Another one. Merle Hoffman, president, Choices Women's Medical Center, Queens, NY, 1995:

The medical establishment has yet to welcome in abortion providers . . .

Tom Kring, director, California Planning Clinic:

Abortion has a stigma attached to it that is increasingly scaring doctors and clinics.

I think, I say to my colleagues, one of the reasons clinics are closing is because of the doctors. You cannot get a good doctor.

Eileen Adams, former administrator for Park Medical Center in Illinois which closed after 13 years of operation:

You cannot get a good doctor.

Then she said:

I hate to have that in the paper so the anti-abortionists would say they've won—but they did.

That is what Eileen Adams said.

A 1993 Boston Globe article had this so say:

Opponents of abortion in New England may have lost the battle of public opinion, but they appear to be winning the war . . . there are no longer enough doctors and hospitals in some areas to provide abortions.

With all that testimony from within the industry—dirty, yucky, not protecting the health of the mothers—why is it still going on? Because there is another dirty little secret, and it is called fetal tissue marketing. We will take a look at this chart.

I want everybody to see what happens in this dirty little secret of the abortion industry. I want my colleagues to know this is the abortion industry in general, but abortion is abortion. There are different types of abortion. Partial-birth abortion is what is on the agenda today. But fetal body parts marketing is what I am talking about.

A woman comes into an abortion clinic. It could be Planned Parenthood. She goes into the clinic, and she is talked to, advised to have an abortion. But what she may or may not know is that inside that clinic in a little room somewhere or some office that is not necessarily visible to her, is the harvester, the wholesaler, the person who is going to take her baby, cut it into pieces and sell it.

They are going to say: Oh, no, no, no, nobody is selling any babies. Listen to what I have to say, and then you tell me.

The wholesaler and the harvester is in the clinic. This poor woman, this mother, this woman who has probably gone through unimaginable trauma, is now faced with this little secret because she has to sign a waiver that allows them to do it.

You have the harvester now who is in that building. Anatomic Gift Foundation, Opening Lines—those are the names of a couple of the wholesalers.

What happens? We will get into that in a few moments.

But here is the buyer over here. If you are pro-life, you will be pleased to know, I am sure, that maybe a university in your State, Government agencies to which you are paying taxes, pharmaceutical companies, private researchers, and research organizations are buying body parts.

How does this work?

Here is step 1. The buyer orders the fetal body parts from the wholesaler/harvester. The buyer says: We need a couple of eyes, or whatever. The abortion clinic provides space for the wholesaler and harvester in the clinic where that woman goes to procure fetal body parts. The wholesaler/harvester faxes an order to the abortion clinic, faxes an order to the clinic, and says: We need this, and we need this, and we need this. The wholesaler's technician harvests the organs: Skin, limbs, whatever, from aborted babies.

Now, bear in mind how gruesome this really is. This is the abortion industry, ladies and gentlemen. Here is a woman coming into that clinic, thinking she needs an abortion. She is advised to have it. And these people are sitting around the room, the harvesters. When they are looking at that woman, there is a living child there that has not been aborted yet, and they are placing orders for body parts—placing orders for body parts—before the child is even dead.

The wholesaler's technician harvests the organs. Then the clinic ''donates'' fetal body parts to the wholesaler/harvester, who in turn pays the clinic a ''site fee'' for access to the aborted babies. Then the wholesaler/harvester ''donates'' the fetal body parts to the buyer. The buyer then ''reimburses'' the wholesaler/harvester for the cost of retrieving the fetal body parts. We are going to get into a little more detail on this.

You might say: This is a debate about partial-birth abortion. What does the sale of fetal tissue have to do with partial-birth abortion?

First, like partial-birth abortions, the selling of fetal tissue is immoral and unethical. It is illegal. And it is a reprehensible, dirty practice that is going on in the shadows of the industry. It is a practice I had never even heard of. Again, I could not believe this was going on. But it is.

Second, it is a practice that very graphically shows how this industry has gone far beyond the ethical boundaries that even most pro-choice Americans would find repugnant.

Third, like partial-birth abortion, the industry has taken the practice of selling fetal body parts, which is illegal under Federal criminal law, and created a loophole to allow them to do it.

In partial-birth abortion, they use the head loophole. In other words, what I mean by that is: Arms, feet, body, neck, heart, toes. That is not birth. That is not the baby—until the head comes into the world. Then it is a baby. Really? It is a legal mumbo jumbo, as Senator SANTORUM talked about. It is a bunch of garbage. It makes lawyers around the country very rich, and it allows these clinics to kill our children.

I am sure the legal team that came up with the head loophole is very proud of themselves, just as we have the fetal harvesting loophole. In a sense, we call it ''donations'' or ''reimbursements'' rather than selling parts. They are both loopholes to hide the facts.

Stabbing a baby in the back of the head and sucking its brains out is illegal; it is murder; it is infanticide—whether that child is sitting in a play pen or whether that child is trying to exit the birth canal to become a member of this world. But its head is conveniently, under this stupid legal definition, ''stuck'' in the womb. And it is not stuck; it is held there. And they call it medicine. We have people standing down here saying: This is medicine. We're doing this for the health of the mother. Really?

Let's go back to the sale of fetal body parts. I have here the United States Code. Here is what the United States Code says:

Prohibitions Regarding Human Fetal Tissue.

That is the topic. That is the heading right here in the United States Code.

Purchase of tissue. It shall be unlawful for any person to knowingly acquire, receive, or otherwise transfer any fetal tissue for valuable consideration if the transfer affects interstate commerce.

Criminal penalties for such violations.

In general, any person who violates subsection—

The one I just referenced—

shall be fined in accordance with title 18, U.S. Code, subject to paragraph 2, or imprisoned for not more than 10 years, or both.

The term ''valuable consideration'' does not include reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.

It is against the law, ladies and gentlemen, my fellow Americans, and colleagues, it is against the law to do this. And they are doing it every day to our children—every day. So 10 years in jail if you sell human fetal tissue. That was signed into law, ironically, by President William Jefferson Clinton. It took effect on June 3, 1993.

But the lawyers went to work, as only lawyers can do. They found a loophole: How can we sell this tissue, make a profit at the expense of this poor woman victim, and get it to research, and hide it all by calling it research? How do we do that without getting caught and getting our tails thrown in jail?

That was the question. So they found it in section D(3) which:

. . . allows reasonable payments associated with the transportation, implantation, processing, preservation, quality control, or storage of human fetal tissue.

That is the loophole I just read out of the book.

But because there is no documentation, no disclosure, no government oversight, this section has become a gigantic loophole to allow this industry to engage in the illegal trafficking of body parts of fetal tissue without any prosecution.

Mr. President, we need a big beam of light to shine into this industry, to get into the darkness and find out what is going on in this for-profit industry. We need some sunshine. We need it so badly. I am not looking to get into the medical records of individuals. That is not what I am about. But I believe if we are going to allow the use of fetal tissue from aborted fetuses —I mean aborted fetuses for research, which I believe we should not—if we are, we need at least a minimum of documentation to ensure this tissue is not being sold in violation of Federal criminal law.

Is partial-birth abortion used for this? I don't know. Why not find out? Let's shine the light in. Let's talk about a few things that might make you think, however, that there is a link here. Your call. You listen. You make your own determination.

Let us talk about dilation and evacuation, the so-called D&E, for a moment. This method, which is performed during months 4 to 6, 6 months, is particularly gruesome in that the doctor must tear out the baby parts with a pliers-like instrument. Literally disassembles it in the womb. It is horrible. No wonder they are angry when they get home and sick, sick before they start. Then the nurse gruesomely has to take all these body parts of this child who was torn apart in the womb and reassemble them in a pan to be sure they got it all. That is the first method.

I will just ask you to think, as we go through this, if you are in the business of selling body parts, how is that going to work with your buyer, if all the body parts are torn apart? I think you would say, well, probably it isn't going to be much good. There might be some tissue, but if you need intact organs, disassembling the organs ought to lead you to believe, reasonably, I think, they are probably not very good. If you need a liver and it is all chopped up in this procedure, it is probably not going to do you much good. So the D&E method is not real good for selling body parts. But that is one type of abortion.

The next is the saline abortion. This occurs after the first trimester. The abortionist injects a strong salt solution into the amniotic sac and, over a period of an hour, the baby is basically poisoned and burned to death in her mother's womb. That is the saline solution. So now I ask you again, if you are selling body parts, and the buyers want good body parts, good condition, that is not going to do a lot of good. That is not going to make your product very marketable. That is probably not a good method either.

The next one is a little more grotesque, if you can imagine that. This is called the dig method, or digoxin method. It is called harpooning the whale inside the industry. You see, even in the industry they can't even be respectful to the child or even the woman in some cases, the mother. They use terms such as that, ''harpooning the whale.'' The abortionist inserts a needle containing digoxin into the abdomen of the woman. In order to make sure the doctor hits the baby and not the woman, which would be lethal for her as well, he must watch to see the needle begin moving wildly. And when it does move wildly, he knows he has harpooned the whale and can push his needle all the way through and kill the baby. This abortion procedure is probably the least desired method for the body parts people because the baby's organs are, in essence, liquefied by this horrible poison. They are basically worthless to the body parts market.

Those are three types of abortions. They have nothing to do with partial-birth abortion. I use these examples of three types of abortions to show you they basically make the sale of body parts worthless for the most part. Some tissue I am sure they can use.

So where are they getting these things? Ask yourself, what have we been talking about all day? How can we get a good specimen, a baby whose organs are intact, a good cadaver? You can do it two ways. You could have a live birth and kill it, or you could have a partial-birth abortion, kill it that way, and damage only the brain so the rest of the body is good for research.

Now, is this happening? Shine the light in. There are going to be people who say that I have made this link. I will tell you right now, I haven't. I am asking you to shine the light into this industry. Bring in the sunshine. Let's look in the clinics. Let's find out what is going on. Are they being used? We will take a look in a few moments at some of the things going on here. I ask you whether or not you think they might be getting these parts from some other source of abortion other than partial-birth abortions. I don't know. I know one thing. It is a black market. It is illegal. It is unreported, and it is unregulated. If it is the last thing I do before I leave this body, I will change that. I am going to change that.

The good news is abortion rates are down. That is good. But the problem is, because they are down and because the doctors aren't doing them, they have to make it up somewhere. The industry has to make up the money. They have to make it up. Where do they do that? By selling body parts. That is where they make it up. It is really the dark side of the industry.

This is the testimony of a woman who calls herself Kelly, a fictitious name. Kelly was working and received a service fee from the Anatomic Gift Foundation, which is the wholesaler, the harvester, of these organs.

Listen to what Kelly had to say. Kelly fears for her life. That is why Kelly is a fictitious name and why Kelly is not being identified.

''We were never employees of the abortion clinic,'' Kelly explains.

That is when they would sit in the clinic, in this room, and the lady comes in pregnant.

''We would have a contract with the clinic . . . .''

Listen very carefully to what I am saying. A woman comes in. I am sorry. I am confusing the stenographer. I will go through the quote first and then explain it.

We were never employees of the abortion clinic. We would have a contract with an abortion clinic that would allow us to go in to procure fetal tissue for research. We would get a generated list each day to tell us what tissue researchers, pharmaceuticals and universities were looking for. Then we would go and look at the particular patient charts. We had to screen out anyone who had STDs or fetal anomalies. These had to be the most perfect specimens we could give these researchers for the best value that we could sell for. Probably only 10 percent of fetuses were ruled out for anomalies. The rest were healthy donors.

To capsulate, a woman is in the abortion clinic, and basically they are eyeing up the source. It is like a hunter going out and seeing, I guess in this case, a trophy doe rather than a trophy buck, and saying, there is a good specimen there. I hope that baby is fairly normal so I can sell the body parts. And they looked at the patients' charts while this child was alive in the womb. This girl might change her mind on whether to have this abortion, and nobody is helping her change her mind or asking her if she would like to change her mind. Oh, no, we have a contract here. We have a patient chart here. We have somebody looking at her, looking at the trophy and then saying: Hey, this chart looks real good, this gal has what we want; she has a normal baby there. My goodness, a perfect specimen, the most perfect specimen we could find. So give the researchers the best value we could sell for. Her words. Probably only 10 percent of fetuses were ruled out for anomalies; the rest were healthy donors. So said Kelly.

Let's look at a work order. This is a work order. Mailing address, shipping address, everything. OK. Tissue, fetal lung; one or both from the same donor, 12 to 16 weeks. Preservation: Fresh. Gestation: 12 to 16. Shipping: Wet ice. Constraints: No known abnormalities. We don't want any babies who have any problems. Obtain tissue under sterile or clean conditions.

Let me ask you a question, colleagues. In this filthy, dirty, disgusting business we are talking about, do you really think you can get a perfect lung, with no cuts and no abnormalities, by chopping up the child in the womb or putting all of this poison in the body, in the womb, in the embryonic sack? Or do you think it might be possible that the best way to get a normal lung is to bring a child through the birth canal in perfect condition, damaging only the brain, or perhaps even a live birth? Oh, you think that would not happen? Well, we will talk about that in a little while. Oh, yes, it happens.

Look here: ''Normal fetal liver.'' A normal fetal liver is not one filled with poison. It is not a liver that has been chopped up. It is a normal fetal liver. There aren't too many ways you can get a normal fetal liver in an abortion clinic. ''Dissect fetal liver and thymus and occasional lymph node from fetal cadaver within 10 minutes of the time it is extracted, and ship within 12 hours.'' ''No abnormal donors.''

There is a whole lot of money in this business, folks. With abortions down, they will charge a woman anywhere from $300 to $1,000 for an abortion and make several thousand dollars on the parts of her child. But she doesn't get any of that money, you can bet on that.

Let's look at another work order. The National Institutes of Health gets the delivery here. If you are pro-life, you will be ''pleased'' to know they are getting some of this stuff. ''I would prefer tissues without identified anomalies; in particular, bone anomalies.''

Let's look at another one. This is just the tip of the iceberg. I could give you hundreds of these work orders. I am picking a few of them.

Now, this one is particularly disturbing—as if the others weren't. Here is the donor criterion on this. We are talking about whole eyes. Now, the donor criterion is that the child be ''brain dead.'' Think about that for a minute. Why would you put that on there? Are we to assume this child is going to be delivered to them live?

I assume if a child has been aborted and it is being sold, or provided, or donated, or whatever it is, to some research center, we ought to assume it is dead. Well, they are not assuming it. They are not assuming it at all. They are directing it: Make sure it is ''brain dead.'' If anything else is moving, that is OK. Maybe the heart is beating, and that is OK. But make sure it is brain dead, noncadaver, and post 4 to 6 hours, any age. Again, no contagious diseases. ''Remove eye with as much nerve''—they go into that. Federal Express—send it out. That is against the law.

So let's say a girl walks into a clinic and sits down to wait. I want to try to paint you a picture of what happens. A girl walks into a clinic and sits down to wait. A fax comes in, and the fax contains a list of what body parts are needed for that day. So here she comes. She still hasn't had the abortion. But they now have this list—the abortionist perhaps, but I don't know; I have not seen this. Perhaps he looks through the glass window, and maybe there is a one-way glass. He looks out into the waiting room and stares at her stomach and knows this is the very same child who is very much alive now, perhaps even moving and kicking; he knows that child will be dead in a few moments, and they already have the work order. They have already checked the charts, already know it is normal; they already know what they need. They are already planning it all.

If that is not sick, if that doesn't bother you, then, man, there is something wrong with the people in this country—big-time wrong.

After her abortion, in a matter of 10 minutes, if it is done then, that baby can be shipped on wet ice to researchers across the country, just like going into a supermarket and buying a piece of meat.

There are four illegal and immoral things happening with this issue. First, as I said before, current law prohibits receiving any consideration, valuable consideration, from the tissue of aborted children for research purposes. This is happening. So that is wrong. Violation No. 1.

Secondly, it has been reported that, in fact, live births are occurring at these clinics. Oh, that is a dirty little secret we don't want anybody to talk about. Let's not talk about that. It doesn't happen a lot, but in 100 abortions it could be as few as 5, 6, maybe 7, maybe 10 times—live births. Oh, boy, that is a real problem. What better way to get a good sample than a live birth?

It is the law of every State to make every medical effort to save the life of that child. I am going to show you proof that that isn't done. It is not happening in every case.

Thirdly, our tax dollars are being used to fund Planned Parenthood on the one end to kill the children, and NIH on the other end to do research on them. If you are pro-life, as I am, you won't like it; I don't like it. I am going to do something about it if it is humanly possible.

In 1996, Planned Parenthood received $158 million in taxpayer dollars. Who knows how much in addition is being funneled through the valuable consideration loophole from NIH research labs. The taxpayers and Congress deserve an answer. The chart shows Federal funds supporting Planned Parenthood Federation of America and its affiliates, in fiscal year 1994, $120 million; in 1995, $120 million; in 1996, $123 million. Add it all together. It is $158 million.

The fetal body parts industry is a big business, ladies and gentlemen, and it is not being honest. Mothers are not being given their consent forms sometimes. Sometimes they are. And the wholesalers are not forthright about how they ship the babies, among other things. These people are in the business of selling dead humans, so I guess maybe we should not expect too much in terms of ethics.

There are two statutes that govern fetal tissue research, and both statutes were passed as part of S. 1 in 1993, the National Institutes of Health and Revitalization Act of 1993. I was one of four Senators who voted no, as usual, because I don't believe Government

should be doing any research on induced abortions, aborted fetuses. Up until 1992, we had a President, George Bush, who agreed. But Bill Clinton changed all of that. But even President Clinton, who signed the fetal tissue research Executive order as one of the first acts of his Presidency, was unwilling to accept the sale of fetal tissues.

Prior to 1993, there was a moratorium prohibiting Federal funding of fetal tissue research. That was overturned by President Clinton by Executive order on January 22, 1993. And Senator KENNEDY introduced S. 1 to codify Clinton's Executive order. Part of that was because this ''statute permits the National Research Institutes to conduct support research on the transplantation of human fetal tissue for therapeutic purposes.'' The source of the tissue may be from an abortion where the informed consent of the donor is granted. This statute allows for Federal money to be used in fetal tissue research. And you will see that NIH is involved in this.

The second statute made it unlawful to transfer any human fetal tissue for valuable consideration. I talked about this statute. In other words, it is illegal to give monetary value to the various body parts being sold. And it is illegal to profit from the sale. The guilty receive fines and imprisonment for not more than 10 years. As long as the tissue is donated, it is OK. But large amounts of cash are changing hands.

Again, abortion clinics and the wholesalers are making a killing—that is a sick pun, a killing—literally with the abortion and with the sale of human baby parts.

Listen to what one of the leaders of fetal body parts marketing said in an interview with a pro-life publication: ''Nearly 75 percent of the women who chose abortion agree to donate the fetal tissue.''

Granted, this organization claims to only operate out of two abortion clinics. But if you apply their statistic nationwide, for theoretical purposes, you are talking about a lot of aborted babies being sold for cold, hard cash.

In addition, the consulting firm of Frost & Sullivan recently reported that the worldwide market for sale in tissue cultures brought in nearly $428 million in 1996, and they predict that market will continue to expand and will grow at an annual rate of 13.5 percent a year, and by 2002 will be worth nearly $1 billion. That is a whole lot of money at the expense of these unfortunate women.

In a taped conversation with the wholesaler, she says they do not buy the tissue. That is the way it works. That is really what happens.

In a taped conversation with another marketer of fetal body parts, they admit to try to get abortion clinics to alter procedures to get better tissue, which is a violation of Federal law. This person then offers discounts for being a ''high volume'' user, and that the buyer can save money by purchasing their cost-effective, lower-range product.

Let's look now at a chart offered by Opening Lines, and you tell me if this isn't a business transaction for profit. Bear in mind the sale of body parts is illegal. You are not supposed to receive any consideration. Well, then maybe you could tell me why—this is one of those wholesalers, Opening Lines. Maybe you could tell me why they have a price list. Has anybody ever done any marketing before?

Look. You can get a kidney for $125. You can get a spinal cord for $325. Then down at the bottom, it says prices in effect through December 31, 1999. That is a price list, ladies and gentlemen. I suppose there will be somebody who will come down here and say, ''Well, Senator, that is not a price list. That is fee-for-service.''

That is what it says at the top.

What is the service? You say: Well, you know it is expensive. You have to take the brain out, or you have to take the spinal cord out. OK. We take the spinal cord out. I am not a doctor. I am not going to pretend to be. I am not going to make any reference to how difficult that might be.

But let's assume to remove a spinal cord from a child is a difficult operation. They are charging $325 for the spinal cord. I would think it would be safe to assume—I am not a doctor, but if you want to send an intact cadaver, that doesn't involve any research at all. Does it? They don't have to cut anything. We will just ship that along. But it cost $600. It doesn't have anything to do with what the service is in terms of finding the spinal cord and getting it out. It has nothing to do with it at all.

I will tell you why this is $600—the cadaver. Because when they get the cadaver; they can get the spinal cord; they can get the eyes; they can get the nose; they can get the ears; they can get the liver; they can get the thyroid, whatever they want. That is why it is $600. That is why the price list is there. You can even get a discount if you buy enough.

This is a dirty business. It is bad. It stinks.

The brochure boasts that it offers researchers ''the highest quality, most affordable and freshest tissue prepared to your specifications and delivered in the quantities you need when you need it.''

Here is the copy of the brochure. I didn't make it up. This is their brochure, Opening Lines. This is what they said.

Think about it. ''We are professionally staffed and directed,'' it says. ''We have over 10 years of experience in harvesting tissue and preservation. Our full-time medical director is active in all phases of our operation. We are very pleased to provide you with our services. Our goal is to offer you and your staff the highest quality, most affordable, and freshest tissue prepared to your specifications.''

Please tell me how you can do that if it is simply a matter of taking an aborted child and sending it off to a research laboratory somewhere.

My colleagues and American people, I don't know what is going to happen to this country. But I just want to recap for you what has happened here.

A woman comes into a clinic, an abortion clinic. She is pregnant. She is in trouble. She needs help. They already have somebody who has read her charts. They know her baby is normal. They know it has no abnormal functions. They know they need to get that baby out of there quickly. They know they can't do damage to the cadaver. They cannot do damage to the fetus. They can't poison it. They can't cut it because, to their specifications, they need perfect eyes, or they need perfect skin, or good lungs, even the gonads, the ultimate. The poor little child just has no privacy here. Limbs, brains, spinal, spleen, liver, all of it, price list, all the way down—they have it all figured out.

And they have the gall to stand out here and tell you these clinics care for the women. They care for the profit. They cannot make it because abortions are going down. They can't charge these women any more because they are too poor to pay. So they take it from their bodies, from the children. It is a filthy, disgusting, dirty business, and it needs to be exposed and eliminated.

How much more should we tolerate in this country? How much more degradation must these children absorb and endure?

Look at that list. Look at it and tell me that is fee-for-service—to your specifications, your specifications. You give us the order, and we will make sure you get perfect eyes that weren't hurt by any abortionist's knife, or they weren't poisoned by digoxin, or saline. Oh, we will make sure. We will get you a live birth, if we have to, or a partial birth, if we have to. We will get it for you because there is a lot of money in it. That is why we will get it.

This is a filthy, disgusting, dirty business.

People say: Oh, you are antiresearch. I am not antiresearch. If a woman has a miscarriage and wishes to donate that miscarried child to research, she has every right to do that. I am proresearch.

The Department of Health and Human Services under President Bush determined there was plenty of tissue available through spontaneous abortions and ectopic pregnancies to satisfy research needs—plenty. But oh, no, we have to get into this. We have to make

up for the loss of revenue because, thank God, abortions are starting to go down in this country. We have to make it up. Doctors don't want to do them anymore. It is a dirty business, they say. I'm sick when I go home. We are going down a slippery slope, my fellow Americans.

I used to teach history. I used to tell my kids in those classes: If you forget everything else I said, I want you to remember you have a responsibility to pass on America to your children, hopefully in better shape than we gave her to you. If you do that, America will always be here; if you fail, we could lose it.

What message are we giving to our children when we tolerate this—an order form before the woman even has the abortion.

Henry Hyde said: I deplore any medical procedure that treats human beings as chattel, personal property, as a subject fit for harvesting. The humanity of every fetus should be respected and treated with dignity and not like some laboratory animal.

Is that dignity? Is that respect?

Let me tell a story about a girl name Christy. This is not a pleasant story. These are the abortion clinics, there to protect the mother and make her healthy again. She went in to have her safe, healthy, legal abortion. Something went wrong. On July 1, 1993, Christy—fictitious name—underwent an abortion by John Roe, abortionist. After the procedure, Roe looked up to find Christy pale with bluish lips and no pulse or respiration. Christy's heart had stopped and there were no records that her vital signs were monitored during the procedure. Additionally, Roe was not trained in anesthesia and the clinic had no anesthesia emergency equipment or staff trained to handle a complication. Paramedics were able to restore Christy's pulse and respiration, but she was left blind and in a permanent vegetative state. Today, she requires 24-hour-a-day care and is fed through a tube in her abdomen. She is not expected to recover and is being cared for by her family. Christy had a legal abortion on her 18th birthday.

They took good care of her, didn't they? I have in my hand a consent form that Christy signed. Do you know what they tell you in the industry? Ask them; don't believe me. Ask them. They say: We know the woman is in a terrible emotional condition when she comes in, so we don't always ask her to sign these forms. We wait until after the procedure.

Is that so? Well, you have to do it within 10 minutes if you want to get some of these buyers for organs because they say they need them in 10 or 15 minutes from the time they exit the birth canal; otherwise, they are no good in some cases. They have to do it quickly. So the poor girl is just coming out of the anesthetic. I know she is not coming out in 10 minutes. ''Here, Christy, want to sign this? We want to send your 6-month old boy to be chopped up for medical research. Would you sign this?''

They say we don't bother the women before. OK, can a woman who is in a 24-hour-a-day coma sign a consent form? Can she? Here is the form. It is signed and she didn't sign it after the procedure. She signed it before the procedure and she signed it because they needed the body parts of her fetus and they wanted to make doggone sure they got them. They didn't want anything to get in the way of that. They didn't want anything to interrupt that little profit they had coming, so they just said we will get this signed by Christy.

Maybe they should have taken a little time to counsel her. ''Would you like to have some other discussion perhaps about adoption?''

We gave her that. OK, fine.

How about the anesthesiologist. Did someone know what in the hell they were doing when they put this poor woman under?

Oh, no, we have to get this, because this is money.

Here is what Christy signed:

I grant permission to one of these agencies and each of its authorized agents and representatives to distribute and dispense tissue from the surgery. I release all my property and financial interests therein and any product or process which may result therefrom. I read and I understand this document and I have been given the opportunity to ask questions. I am aware I may refuse to participate. I understand I will receive no compensation for consenting to this study.

As I said, if anybody thinks she signed it after the surgery, I will sell you some ocean-front property in Colorado. They say they don't bother them beforehand because they are too distraught, they are too emotional, or they don't want to bring all this up.

That is Christy.

I saw a bumper sticker once that said:

Abortion: One dead; one wounded.

Can't sum it up any better than that. One dead and one wounded. And the people who were in charge of the health and safety of the mother in these cases are more interested in the dead than the wounded because they are going to make a big profit.

Let's talk about the dirtiest most disgusting secret of all. This is not pleasant. I had somebody from the National Right to Life tell me today, believe it or not—I won't mention names— that we don't have any evidence of any link here. Fine. I am not asking anyone to tell me whether they think this is evidence or not. I am asking everyone to make their own decisions. I am not making any links. I am giving facts. Make your own links.

There is a little complication called ''live birth.'' Uh-oh. Live birth. It happens. When it does, what happens?

I was at an award dinner several years ago when a young woman who is known by many in the right-to-life movement by the name of Gianna Jessen, who then was about 21, so she is probably 25, 26, maybe a little older now. She had been aborted. She was a beautiful girl. She was aborted. There were 1,000 people at this event. She stood up and sang ''Amazing Grace.'' There wasn't a dry eye in the place, including mine. When it was all over she said: I want all of you to know something. My mother made a terrible mistake because I wanted to live. If I had had my choice, if I could have said, spare me, I would have said that. I didn't, but I survived, and I am meaningful. I just sang to you. And she said: I love my mother and I forgive her.

There is a lot more power in that than these people that run these clinics that do this.

Why can't we bring this debate to that level? There is no way to know how many live births actually occur. It happens in partial-birth abortions because they are alive until they are executed as they come through the birth canal. Feet first, they are executed; headfirst, they are born. Any difference? Maybe somebody can explain it.

Many of you may have heard of a gentleman by the name of Eric Harrah. About 10 years ago he left the abortion business. One night Eric and his staff were called to the clinic— remember, he was an abortionist then—because a pregnant girl had given birth in a motel room. The baby was wrapped in a towel. She had been given medication to begin the process of dilation. So it was wrapped in a towel and they thought it was dead, so she came from the motel room carrying this little child in the towel.

Eric, the abortionist, saw the baby's arm fly up and he screamed, ''My God, that baby is alive.''

The doctors sent Rick and the nurse out of the room. When he came back in the baby was dead. A live birth? You might ask yourself, did they take any means to save the child? Or did they kill the child? Who knows? In either case, they let it die.

I have been in this business of doing research on this issue since 1984. I have been involved in the pro-life movement. I have read, I don't know how many thousands of pages. What I am going to read to you now is the worst I have ever come across in everything and anything that I have read. I have never seen anything to equal it. I do not understand how we can tolerate this in this country, but it shows you how sick we really are. We are sick. Oh, we are sick, collectively, believe me. This is a story from Kelly. A short paragraph, what she said. It is very difficult for me even to read it, but you need to hear it.

The doctor walked into the lab. This is in an abortion clinic. Kelly is the

wholesaler for the fetal tissue. She is the person who has to take this fetus and do what has to be done to it to get it to the supplier.

The doctor walked into the lab and set a steel pan on the table. ''Got you some good specimens,'' he said. ''Twins.'' The technician looked down at a pair of perfectly formed 24-week-old fetuses, moving and gasping for air. Except for a few nicks from the surgical tongs that had pulled them out, they seemed uninjured.

This is pretty difficult. I have witnessed the birth of my three children, so forgive me if I have a little trouble.

The wholesaler, Kelly, said, ''There is something wrong here. They are moving. I don't do this. That's not in my contract.''

She watched the doctor take a bottle of sterile water and fill the pan until the water ran up over the babies' mouths and noses. Then she left the room. ''I couldn't watch those fetuses moving. That's when I decided it was wrong.''

So the abortionist, twin live births, 6 months—the little girl I spoke to you about earlier who wrote to me was born prematurely at 5 months. Two little twins drowned in a pan so their body parts could be sold because they had an order for the body parts. America.

Many of you may have heard about Jill Stanek, the nurse at Chicago's Christ Hospital who has openly admitted that live births occur at her hospital. We are going to have some testimony from Jill. She will be up here on the Hill very soon so you do not have to believe me; you can listen to her. The hospital staff, when it happens, offer comfort care, which amounts to holding the child until it dies. If they are lucky, they get a little love on the way out. Perhaps it is better than being drowned in a dish.

Jill Stanek says:

What do you call an abortion procedure in which the fetus is born alive, then is left to die without medical care? Infanticide? Murder?

Most people would recoil at just the thought of such a gruesome, uncaring procedure, but it is practiced at least one Chicago suburban hospital. When I called Christ Hospital, the Medical Center at Oak Lawn, I frankly expected a denial that it uses the procedure, but instead the spokeswoman explained it is used for ''a variety of second-trimester'' abortions when the fetus has not yet reached viability. That's up to 23 weeks of life, when a fetus is considered not yet developed enough to survive on its own.

Instead of medical care, the child is provided ''comfort care,'' wrapped in a blanket and held when possible.

This is very interesting.

The procedure is chosen by parents and doctors instead of another method in which the fetus is terminated within the womb by, for example, injection with a chemical that stops the heart.

She says further: One day there was a newborn who survived the abortion with no one around to hold it. It was left to die in a soiled-linen closet.

The hospital denies it. She says it happened. Interesting, the hospital says abortions are elective, but they are done only to protect the life or health of the mother or when the fetus is nonviable due to extreme prematurity or lethal abnormalities.

The nurse, Jill Stanek, said she has seen some elective abortions done on newborns whose physical or mental defects are deemed incompatible only with the ''quality of life.''

That is pretty heavy stuff. This is going on in America. People come down here on this floor, year after year, and defend it. That is what they are doing, defending it: A woman's right to choose. The bassinet or the hospital sterile bucket, which is it? Right—right to choose. Put the child in the bassinet or throw it in the garbage or send it off to some research lab.

Here is a headline, a transcript from the WTVN-TV in Columbus, OH, 20 April, 1999:

Partial-Birth Abortion Baby Survives 3 Hours.

A woman 5 months pregnant came to Women's Medical Center in Dayton, Ohio, to get a partial-birth abortion. During the 3 days it takes to have the procedure she began to have stomach pains and was rushed to a nearby hospital. Within minutes she was giving birth.

Nurse Shelly Lowe in an emergency room at the hospital was shocked when the baby took a gasp of air. [Lowe] ''I just held her and it really got to me that anybody could do that to a baby. . .I rocked her and talked to her because I felt that no one should die alone.'' The little girl survived 3 hours.

Mark Lally, Director of Ohio Right to Life, believes this is why partial birth abortions should be banned. [Lally] ''This shows what we've have been trying to make clear to people. Abortion isn't something that happens just early in pregnancy, it happens in all stages of pregnancy. It's legal in this state any time.''

Like it is in any State.

Warren Hern is the author of the most widely used textbook on abortion procedures. Dr. Hern says, in this article:

A number of practitioners attempt to ensure live fetuses after late abortions so that genetic tests can be conducted on them.

There is a link. They say there is no link? There is one.

It is his position that practitioners do this without offering a woman the option of fetal demise before abortion in a morally unacceptable manner since they place research before the good of their patients.

(Mr. SANTORUM assumed the Chair.)

Here is an admission from the industry itself that when they want to—I am not saying all do it, I am saying some do it—when they want to, practitioners can do this. They can ensure a live birth to fall within that 10-minute window, to get that child chopped up quickly and on ice so those limbs are better for the researcher and worth more money. You don't want any abnormalities, don't want any problems.

There was an article in the Philadelphia Inquirer a few years ago called ''Abortion Dreaded Complication.'' The patient had been admitted for an abortion, but instead of a stillborn fetus, a live 2½-pound baby boy appeared. A dismayed nurse took a squirming infant to the closet where dirty linens are stored. When the head nurse telephoned the patient's physician at home, he said: ''Leave it where it is. He will die in a few minutes.''

I used a term in a speech over the weekend referring to doctors such as that. I said they took a hypocritic oath. Someone corrected me and said: ''Don't you mean Hippocratic oath?''

I said: ''No, hypocritic; they are total hypocrites because they are not protecting the lives of unborn children. They should not even be taking the oath.''

In this article, there are some very interesting headlines in this dreaded complication. Listen to what some of the people in the industry say:

Reporting abortion livebirths is like turning yourself into the IRS for an audit. What is there to gain?

Another article says:

How things sometimes go wrong.

Another one:

You have to have a fetus—

Whatever; I can't pronounce the word—

dose of saline solution. It is almost a breach of contract not to. Otherwise, what are you going to do, hand her back a baby, having done it questionable damage?

What a bunch of insensitive, uncaring individuals.

Then they say:

If a baby has rejected an abortion and lives, then it is a person under the Constitution. . . .

I think it is a person under the Constitution before it is born, not under Roe v. Wade but under the Constitution. Roe v. Wade did not let the Constitution get in its way when it made that terrible decision.

Then another guy says:

I find [late-term abortions] pretty heavy weather, both for myself and for my patients.

I stood by and watched that baby die.

They are real caring people, aren't they? They are compassionate, caring people. I think I have made my point on that.

You will notice from these charts I have been putting up that many of the highlights suggest the baby be put on ice within 10 minutes of exiting the womb. I mentioned that earlier.

Stop and think about this. If you do any of the other types of abortions—saline, digoxin, and these other procedures, D&E—what are you going to get? You are going to get something that is going to be an abnormality. No abnormal donors. Within 10 minutes, we want it on ice.

The point I am trying to make is, there are only two ways you can get a baby, a fetus, on ice that quickly. One

is a live birth; you instantly kill it. Another is partial-birth. If there is another method, I am open-minded. I would like to hear about it. Maybe somebody has it.

Let me read a letter I received today. This letter is pretty devastating. I want you to think about this 10 minutes on these charts. Within 10 minutes, we need to be able to ship it to give you no abnormal donors, to make sure the fetus is in good shape:

This is from Raymond Bandy, Jr., M.D., Dallas, TX:

Dear Senator SMITH: As a physician and pastor in the Dallas, Texas suburb of Lewisville, I was shocked and outraged several months ago when my friend Mark Crutcher invited me to the offices of Life Dynamics to review for him from a medical perspective of several requisitions for fetal tissue and body parts.

There were 2 areas particularly disturbing: No. 1, It was almost unfathomable to be reading requests for arms, legs, brains, etc., from aborted babies. Leading institutions in our country with research scientists requesting in mail-order catalog format, body parts from babies killed in abortion clinics.

Leading institutions were requesting these parts.

No. 2, My attention was drawn to the fashion in which the requests were made. Over and over again the requests would mention that the tissue must be ''fresh''—

It says ship on wet ice. Another one says fresh, remove specimen and prepare within 15 minutes.

This is the process, a doctor talking now:

(a) The baby must in some fashion be killed in its mother's womb. (b) The baby must then be extracted from the womb. (c) It must then be delivered in some fashion to a technician who would then proceed to amputate limbs; extract eyes, brains, hearts, and then process them; (d) all within 10 minutes. I am not an abortionist, nor have I performed an abortion, but to require these procedures to be accomplished in 10 minutes, means of necessity that the baby be extracted as close to life as possible, and would lead to in many cases babies . . . being born living, in order to be able to have them on ice, or otherwise processed within this short period of time.

As a community physician, I find this barbaric, cruel, evil, and intolerable to the greatest degree. This is a return to the medical practices of the [Nazis] of 1940s. . . .

Can anyone with even the most remote conscience, or moral decency, tolerate this practice?

He closes with that.

Here is a doctor. He is telling us and he is reinforcing everything I have said. Fresh, wet ice, no known abnormalities; get it on the ice. How do you get a fetus that is not chopped up, that is not poisoned? There are only two places. I talked to you about both of them: Live births, partial births.

The dirty little secret is that Planned Parenthood takes Federal taxpayers' dollars. American workers, especially pro-life workers, all of us—but those especially who are pro-life, I am sure, would be opposed to it—are having money taken out of their paychecks to pay for the marketing of babies' body parts. I talked about the $158 million grant from the Federal Government for Planned Parenthood, NIH, $17.6 billion in this year's labor bill—not all for that but just in the bill.

I am not against the funding of the National Institutes of Health, but I think when research is being conducted by the Government, where taxpayer dollars are involved, there is a much higher ethical standard to meet.

In addition, universities receive Federal funding, lots of it. In fact, there are some universities that receive Federal funding specifically for fetal tissue research.

I want to point out one chart that I did not highlight before because this really drives the point home in terms of whether or not there is any particular reason to believe that in the industry they are looking for live births or partial births.

Look what it says on this memo: ''Please send list of current frozen tissues.'' And they go down the list: Liver and blood and kidney and lung, and all this down here. And then what does it say? No digoxin donors. ''No DIG.'' That is the term for digoxin donors.

I want you to understand this and think about this: This is an order form. They are saying here: We don't want any digoxin babies.

Well, why don't they want them? Because they cannot sell them. The parts are no good. It is in their own writing. They are incriminating themselves. They are violating the law, and they ought to be prosecuted.

Shine in the light. Bring in the sunshine. Live births are a big problem, but DIG is not good for research. Abortion clinics and harvesters are also deliberately hiding the fact that they are shipping these parts all over the United States. They even use vague language to trick and deceive shippers such as Federal Express who will not do it, to their credit. But they are not told. They are hidden. One marketer says: ''We've learned through the years of doing this'' how to avoid problems with shippers like Federal Express.

But they have. If you are violating the law, you do everything you can.

As I have gone through this now for I don't know how long here on the floor, you probably say to yourself: Could it get any worse? Can it be any more humiliating?

We have covered pretty well what is happening to the child. Recapping: A woman, pregnant—abortions are down, the industry is losing money, and they can only charge so much. So they find a buyer of the body parts of the fetus. There it is: ''Fee For Services.'' As I said before, $600 for a cadaver, $125 for this, $75 for that. The lower numbers are probably so common that they are not worth much. So they sell the body parts. Then they do unimaginable things to the emotional life of this unfortunate woman who is in so much need of help and counseling.

But there is another dirty little secret, which isn't very well talked about; that is, untold numbers of women in some clinics are being sexually assaulted, harassed, physically harmed, and sometimes killed, as I said before, in these ''safe'' and ''legal'' clinics.

I will give you two examples.

Two months later, [fictitious Dr.] Roe was performing a first-trimester abortion on 23-year-old ''Lucy'' when she began to hemorrhage from a perforation he had made. Still operating without a back-up supply of blood, Roe gave her a transfusion of his own blood. . .

The only problem was, it was not her blood type. He did not bother to check that out.

Lucy then went into cardiac arrest. . . . In Texas, private ambulances are limited to transfers of stable patients and are prohibited from responding to emergency calls. Therefore, they do not respond with any sense of urgency. When the ambulance crew finally arrived and discovered the case was a life-and-death emergency, they transported Lucy immediately rather than call for a fire department ambulance. Unfortunately, Lucy was not as lucky as Claudia [another girl] and she bled to death—

She bled to death—

on November 4, 1977.

That was a long time ago, so I will probably be criticized for bringing something up that long ago.

On June 2, 1989, ''Margaret'' went to [an abortion clinic] to have an abortion performed. . . . After she was dismissed, she started experiencing pain and bleeding, and called the facility about her symptoms. They did not advise her to seek medical care. Two days later, she sought medical treatment on her own and was told that she had a perforated uterus and retained fetal tissue. A D&C was performed to complete the abortion and, due to infection, a hysterectomy was also necessary. Unfortunately, despite all efforts to save her life, Margaret died of the complications of her abortion, leaving behind her husband and one-year-old son.

Taking good care of mom, aren't they? They really are.

And more recently in 1997, in San Diego:

An abortion doctor is being charged with murder by the district attorney of Riverside County, east of Los Angeles.

Dr. Bruce Steir faces a February hearing on a murder charge stemming from the December 1996 death of Sharon Hamptlon, 27, following an abortion at A Lady's Choice Clinic in Moreno Valley, near Riverside.

Miss Hamptlon died from internal bleeding as the result of a perforated uterus. The pathologist in the case found ''gross negligence'' and recommended that the death be considered a homicide.

You see, it is getting more serious because the better trained doctors in all types of abortions are not doing them anymore. So they want to go where the money is: Body parts. I am not going to go into the gory details and some of the sick things that have

been done by some in terms of the humiliation of patients, in terms of sexual abuse, and so forth.

Tomorrow, at some point, I intend to offer an amendment that shines the light into the industry. I intend to push for a full investigation into this industry. I intend to find out whether live births are, in fact, used for the sale of body parts. I intend to find out whether in fact partial-birth abortions are used for the sale of body parts. I intend to find out whether laws are being violated in this country and, if so, who is violating them.

This amendment will provide for the light to shine into these clinics so we can get these answers. We deserve these answers. If you are pro-woman, and you are pro-child, you ought to be for my amendment. If you do not like the fact that women die horrible deaths, that children are being chopped up and sold illegally, I don't care which side of the debate you are on, if you wonder whether or not and you are not sure whether or not partial-birth abortions are used for the sale of body parts in some cases, if you want to know whether they are, then let's find out. Let's look into it. Let's see if we can get the answers. And that is what my amendment does.

This has been a long, difficult speech for me to make. But I want my colleagues to know that just about everything in America is regulated—unfortunately, in some cases. There is no reason why this industry should not be regulated. Let's find out what is going on. Let's shine the light in. Let's bring the sunshine in. And let's get answers. And let's find out about the sale of body parts. Let's find out what the source of those body parts are. Let's shine the light in on the industry.

Tomorrow, I will have an amendment on that subject. I truly hope all Americans will be supportive—pro-life, pro-abortion. If you want to see to it that women are not abused, if you want to see to it that women are treated with respect and dignity, if you want to see to it that if an abortion occurs and there is a live birth, that that child should get help, should be allowed to live, if you want all that, and you care, then you should support this amendment because all it does is shine the light in. It is a disclosure amendment. That is all it is. It requires disclosure to shippers for any package containing human fetal tissue. It also contains language to limit the payment of a site fee from the transferee entity to the abortionist to be reasonable in terms of reimbursement for the actual real estate or facilities used by such an entity.

We are going to find out whether these people are in the business of selling body parts or abortions or both. What is the percentage? How much are they making on each? Shine in the light.

I have been on the floor year after year and in the House before that, for 15 to 16 years, trying to end this horrible industry, this disgusting exploitation of children and women, to no avail. If we just had a President who would pick up his pen and say, ''I don't want to see another few thousand people die in the next 5 years; I am willing to sign the ban on one type of abortion,'' we could get a good start. But he won't do it. We are going to lose again.

So let's win with this amendment. Let's try to get an amendment passed that will shine the light in so we can find out what goes on in the industry.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate will now proceed to a period of morning business with Senators permitted to speak.

The Senator from Pennsylvania.

THOUGHTS ON DISCUSSION OF PARTIAL-BIRTH ABORTION

Mr. SANTORUM. Mr. President, I will speak briefly. The Senator from Tennessee, Mr. FRIST, is here. I know he is planning to come and talk about this issue. Under our agreement, I agreed I would yield the floor when he gets here to make a speech.

I, first, thank the Senator from New Hampshire. I did not catch all of his remarks. I caught the last 45 minutes or so. He is talking about a very difficult issue. It is an amendment we will have to vote on tomorrow. It is not a difficult issue. It is a difficult issue to talk about. I think it is a rather simple issue. I am hopeful, again, this will be an issue where we put the politics of abortion aside and understand this kind of action should at least be looked into by some sort of study to determine whether this activity occurs and how pervasive this is.

What I would like to do tonight is share some thoughts in response to a discussion today about the anecdotes of cases that were presented in defense of partial-birth abortions. We heard about cases of women who needed this procedure to save the mother's health or the mother's life. I would like to review what the medical evidence is, again, and also bring up some cases where people took a different option and show how that option, as humane as the other side, with their wonderful pictures of husbands and wives and in some cases children, as warm and fuzzy as they would make it out to be, the fact is, in every one of those cases a child was killed. A baby was killed. That is a tragedy.

In many cases the baby would not have lived long, but the baby was killed before its time. Many of the people I am going to talk about tonight understood their baby was not going to live long or might suffer from severe abnormalities, but they were willing to take their child's life for what it was, as we all do when we are confronted with it in our own lives. We find out a son or daughter is afflicted with a horrible illness. Our immediate reaction is, well, how can I put my child out of its misery? Or my child isn't going to live very much longer; how can I end it sooner?

I don't think that is the immediate reaction of mothers and fathers in America. But yet, when it comes to the baby in the womb, we have many people who believe that is the logical thing to do. I argue that it is not the logical thing. It is not the rational thing. It is not the humane thing. It is not in the best interest of the health of the mother. All those other things, in fact, in this debate don't matter.

What does matter in this debate is, is it in the best health interest of the mother? I will talk tonight about cases where people made a different choice and, I argue, from a health perspective, a better choice. When I say ''health,'' I mean not only the physical health of the mother but also the mental health of the mother.

We will talk about some of those cases. I will talk about some of the cases that were brought up today and explain why those cases, again, were not medically necessary to protect the health of the mother. There were other options available, even if they wanted to choose abortion.

Then I will share with you some things that have happened to me as a result of this debate and provide to my colleagues that, while we may not win all the votes, at times there are things even more important than that.

I see the Senator from Tennessee, Dr. FRIST, is here. I yield the floor to him.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise to continue the debate on the Partial-Birth Abortion Ban Act of 1999. I rise to follow the Senator from Pennsylvania, who has taken a leadership position and a moral position. I am delighted to hear he will tonight concentrate on an issue that I think has been for far too long overlooked in this debate; that is, the effects of this procedure, which is a barbaric procedure, on women. Those women are our sisters, our mothers, our daughters. That health effect is something that gets lost too often in the debate, which is not the politics. It is not the rhetoric. It is not the emotion. It is the health of the woman involved.

This is the third time I have had the opportunity to come to the floor and participate in this debate on the issue of partial-birth abortion. Each time I come, as a physician, I take the time to review the recent medical literature to see what the facts are, what the

clinical studies are, what is the information and the medical armamentarium, the literature that is out there. That is where the medical profession, that is where the scientists involved in medicine, that is where the surgeons publish their experience, where you talk about indications, you talk about the side effects, you talk about risk, you talk about complications. That is where you share it with your colleagues.

Each time before coming to the floor to debate this issue and discuss this issue, I talk to my colleagues at the various institutions where I have trained and have been, on the east coast, the west coast in training. I picked up the phone and talked to several of them today, colleagues who are obstetricians directly involved in the surgical aspects of this procedure.

Each time this issue comes to the floor of the Senate, I step back and look at what studies, what developments there have been since we last discussed this issue. I rise tonight to talk about this procedure as a medical procedure. It has been interesting to me because over the course of today I have heard again and again that there is no obstetrician in this body of the Senate. I am not an obstetrician. I am a surgeon, which means I am trained to perform surgical procedures.

I am trained. I spent 20 years in both training and engaged in surgery to make surgical diagnoses, to perform technical operations, to evaluate the risk of these operations, and to assess the outcome of these operations. No, I am not an obstetrician, and I don't pretend to be. I call obstetricians. I call people who are on the frontline. But I am a surgeon. I know something about surgical procedures. That is what I did before coming to the Senate. I am board certified in surgery. I am board certified in two different specialties.

When people talk about this medical procedure, I want to make it clear I am not an obstetrician. But I am board certified in general surgery. I am board certified in cardiothoracic surgery. I have spent 20 years studying and performing surgical procedures.

This is background. A lot of what I did is publish and research surgical procedures. But this is background. I have focused not, as I mentioned earlier, on the politics or the rhetoric, but on the medical use of this specific procedure, partial-birth abortion. As my colleagues know by now—but I want to restate it because I have gone back and reviewed the medical literature and have talked to colleagues at other institutions, and I have looked at developments since last year—I conclude partial-birth abortion is a brutal, barbaric procedure that has no place in the mainstream practice of medicine today.

Again, partial-birth abortion is a brutal, barbaric procedure that has absolutely no place in the mainstream practice of medicine today. Partial-birth abortion is a procedure that is rarely, if ever, needed in today's practice of medicine. Alternative methods of abortion, if abortion is necessary, are always available—even when the abortion is performed very late in pregnancy.

Now, we have had the American College of Obstetricians and Gynecologists quoted on the floor, and they will continue to be, which I think is appropriate. A number of their statements, I think, are taken out of context and put forward. Ultimately, their recommendation is, I believe, against the procedure; but for a lot of different reasons they are against passage of what is being proposed. I will come back to that. But it is interesting, when it comes back to answering the question, ''Are there always alternative procedures available,'' their answer would be yes.

Again, I refer to a number of documents, but this is the Journal of the American Medical Association of August 26, 1996, volume 280, No. 8. In an article this quotation is made:

> An ACOG policy statement emanating from the review declared that the select panel ''could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman.''

There are always alternative procedures available. This is important because the procedure of partial-birth abortion, as we have described and laid out—a procedure in which the fetus is manipulated in the uterus, partially evacuated from the uterus, scissors inserted to puncture the skull or the cranium with evacuation of the contents of the cranium, the brain—that procedure has not been studied. We know there are certain risks, but the alternative procedures that are available in every case have been studied. You can go to a medical textbook and look up those alternative procedures, and you can go to the clinical literature and read the studies. It has been peer reviewed and presented at meetings. Debate has been carried out. There are comparisons between one surgeon's results and another's. You can identify the risks for the alternative procedures, but you cannot for the partial-birth abortion.

Now, ACOG, as has been mentioned on the floor, does take the position that the procedure ''may'' be superior to other procedures, as its basis for justifying opposition to this legislation. But with everything I have read, ACOG did not identify those specific circumstances under which partial-birth abortion would be the preferred procedure. And thus, as a scientist, where you want to look at outcomes, risks, and results in determining whether or not to use a certain procedure or recommend such a procedure, the data is clearly not there. It is not there. Thus, you have a procedure which, as I have said, is a brutal, barbaric procedure, with no data substantiating it or identifying the risks, compared to alternative procedures that have been defined, where we know what those risks are. Thus, this use of the word ''may,'' I would flip around and say ''may not.'' I would say the burden of proof is to go to the literature and present the clinical studies that show this barbaric procedure, in any case, is the best or most appropriate. The data, I can tell you, is not there.

So I think the next question to ask is: Are we talking about a procedure, partial-birth abortion, which this legislation would prohibit, which is a part of mainstream medicine? Is it part of the surgical armamentarium out there that is talked about in textbooks, in the literature, or in medical schools?

The answer is, no, it is not. It is a fringe procedure. It is out of the mainstream. This procedure is not taught. This procedure is not taught in the vast majority of medical schools in the United States of America. Yet we will hear some medical schools talk about some types of dilatation and extraction, and they will talk about it at 16 weeks, at 14 weeks, and even 18 weeks. I think we need to make very clear we are talking about a procedure that requires manipulation in the uterus, partial delivery; thus, the partial-birth aspects of this procedure, with the insertion of the scissors and the evacuation of the contents of the cranium. I can tell you, that procedure is not taught in medical schools today. When an obstetrician says, ''Oh, yes, but we teach late-term abortions,'' some do, but they don't teach this procedure.

Surgical training. Again, I am not an obstetrician, but I did spend 7 years in surgical training learning every day. What do you learn as part of that? You learn the specific indications for a particular procedure. In your surgical training, you learn the various surgical techniques that have been described on the floor. Although it is very difficult for people to talk about and listen to on the floor of the Senate, that is part of it, that is the barbarism, the brutality of the way this procedure has evolved. In your surgical training, you look at the complications, outcomes, and risks of these accepted surgical procedures.

The indications for a partial-birth abortion, for the surgical techniques as described, the complications, the outcomes, and the risks are not taught in medical schools today. The procedure of partial-birth abortion is not routinely part of the residency programs today. Why? Because it is dangerous, because it is a fringe procedure, because it is outside of the mainstream of generally accepted medical practice. It has not been comprehensively studied

or reviewed in the peer-reviewed literature. There are no clinical studies of it in the medical literature.

As I said, when this debate comes to the floor and you want to make the case, you look at the medical literature, which I have done, and then you want to say: What about the textbooks? Surely, it is in the textbooks if people are out there doing this procedure on women, which I contend is harmful to women; surely, it is written in the medical obstetric textbooks. That is what you study. That is the foundation.

So what I have done over the last couple of days is I have gone to the medical textbooks and reviewed 17 of those textbooks. I can tell you, after reviewing those 17 textbooks, only 1 of the 17 even mentioned partial-birth abortion, and that 1 of the 17 mentioned it in one little paragraph. It mentioned the fact there have been vetoes of the partial-birth abortion legislation from last Congress and the Congress before.

The textbooks that I reviewed were Williams Obstetrics, which is one of the foundations of obstetrical education today by Cunningham and Williams.

I reviewed the manual of obstetrics by Niswander and Evans.

I reviewed the Essentials of Obstetrics and Gynecology by Hacker and Moore.

I reviewed the Practice Guidelines for Obstetrics and Gynecology by Skoggin and Morgan.

I reviewed the Blueprints in Obstetrics and Gynecology by Callahan and Caughey.

I reviewed Novak's Gynecology by Novak and others.

I reviewed Operative Gynecology by Te Linde, Rock, and Thompson.

I reviewed Mishell Comprehensive Gynecology;

And Textbook of Women's Health by Wallis.

And the list goes on.

Again, I think it is important because it demonstrates that this procedure is outside of the mainstream. It is a fringe procedure, and, therefore, any defense of this procedure, which we know has complications, which we know affects women in a harmful way, should be justified in some way in the medical literature, where it is not.

The fringe nature of this procedure is also underscored by the fact that there are no credible statistics on partial-birth abortion.

Throughout the course of today—and really has been put forward on both sides—people cited certain numbers of how many are performed. We went through this again in the last Congress. Some say that there are 500 of these procedures performed annually. The more realistic estimate I believe is that there is somewhere—again, it is truly so hard to estimate to even mention specific numbers—between 3,000 and 5,000 of these partial-birth abortions performed every year.

The numbers do not matter, I don't think, because what we are talking about is this barbaric procedure. It is harmful to women. So 1 is too many, or 5 is too many, or 10, or even 500—any is too many.

What data do we have that this procedure can be performed safely? Absolutely none. Part of the problem is the absence of accurate data with which to judge the safety of this procedure, and because of, in part, the incomplete data that is accumulated, and the way we accumulate data on abortions. Although the CDC collects abortion statistics every year, not all States provide that information to the CDC, and the ones that do lack information on as many as 40 to 50 percent of the abortions performed in that particular State.

But I think most importantly the categories that the CDC, Centers for Disease Control, uses to report the method of abortion does not split out partial-birth abortions from the other procedures. So it gets mixed in with all of the other procedures.

It is this lack of data on this procedure that I think is especially troubling because of the grave risk, as the Senator from Pennsylvania pointed out earlier, of complications the grave risk that this procedure poses to women.

In the debate, we have opponents of abortion on the one hand, proponents of a right to choose on the other, and we have the debates that come forth with the tint of emotion and rhetoric. But the thing that gets lost is what the Senator from Pennsylvania mentioned, and that is that this procedure is terrible for women. He outlined some of the ways in terms of the physical and mental health.

But I would like to drop back and look at this safety issue because in all of the arguments for rights, we need to have this issue out there.

It is critically important, I believe—I say this as a physician—that we recognize that this procedure is dangerous and hurts women.

There are ''no credible studies'' on partial-birth abortions ''that evaluate or attest to its safety'' for the mother.

I take that from the Journal of American Medical Association, August 26, 1998.

There are ''no credible studies'' on partial-birth abortions ''that evaluate or attest to the safety'' for the mother.

The risk: I can tell you as a surgeon—again, I drop back to the fact that I am a surgeon and I spent 20 years of my adult life in surgery—that patients who undergo partial-birth abortion are at risk for hemorrhage, infection, and uterine perforation.

I can say that. And I can say it and be absolutely positive about it because these are the risks that exist with any surgical midtrimester termination of pregnancy.

The partial-birth abortion procedure itself involves manipulation of the fetus inside of the uterus, turning the fetus around, extracting the fetus from the uterus, and then punching scissors into the cranium or the base of the skull; requires spreading of those scissors to make the opening large enough to evacuate the brain.

That procedure has two additional complications than what would be with midtrimester abortion, and that is uterine rupture, No. 1; and, No. 2, latrogenic mid-laceration. That means the cutting of the uterus with secondary hemorrhage or secondary bleeding.

Uterine rupture: What does it mean? It means exactly as it sounds—that the uterus ruptures. And that can be catastrophic to the woman.

It may be increased during a partial-birth abortion because the physician in this procedure must perform a great deal of it blindly while reaching into the uterus with a blunt instrument and pulling the feet of the fetus down into the canal. Thus, you have uterine rupture.

I should also add that this type of manipulation is also associated—we know this from the medical literature because there are very few cases where you have to manipulate the fetus. That manipulation is also associated with other complications of abruption, amniotic fluid embolus, where the fluid goes to other parts of the body and other trauma to the uterus.

All of these are serious, potentially life-threatening complications from this fringe procedure that has not been studied, is outside the main stream medicine, not in the medical textbooks, not in the peer-review literature for which we have alternative procedures available.

The second complication is latrogenic laceration, an accidental cutting of the uterus, occurs because, again, much of this procedure is done blindly. The surgeon has scissors that are inserted into the base of the fetal skull. It is not just the insertion of the scissors, but it takes a spreading of the scissors to establish a real puncture large enough to evacuate the brain.

Another example, an article dated August 26, 1998, another quotation. Let me open with the quotation marks.

''This blind procedure risks maternal injury from laceration of the uterus or cervix by the scissors and could result in severe bleeding and the threat of shock or even maternal death.''

''Could result in severe bleeding and the threat of shock or even maternal death.''

These risks, which I just outlined, have not been quantified for partial-birth abortions.

Would you want this untested procedure performed on anyone that you

know? The answer, I believe, is absolutely not because there is always an alternative procedure available.

Mr. President, we are discussing a fringe procedure with very real risks to a woman's health. The lack of data on this procedure underscores my opposition to it. Just as we cannot ignore the risk to the mother, let's also look at the risk a little bit further down the line.

It leads me to a conclusion that partial-birth abortion is inhumane, and offends the very basic civil sensibilities of the American people. The procedure itself, yes. But what about the treatment of the periviable fetus? I say that because the point in the gestation period at which viability actually is realized is subject to debate. It shifts with technology and with our ability to intervene over time.

Most of these procedures are performed today in what is called the periviable period—somewhere between 20 and 24 weeks of gestation, and beyond.

The centers for pain perception in a fetus develop very early in that second trimester period. We cannot measure fetal pain directly, but we do know that infants of similar gestational age after delivery—28 weeks, 30 weeks, or 24 weeks—those babies, those fetuses that are delivered, do respond to pain. Again, we are talking about a procedure performed on an infant, a fetus, at 24, 26 weeks.

With partial-birth abortions, pain management is not provided for the fetus at that gestational age. That fetus, remember, is literally within inches of actually being delivered. Pain management is given for procedures if those 2 or 3 inches are realized and the baby is outside of the womb, at the same gestational age; if the fetus is in the womb, pain management is not given.

I say that again because we have to at least think of the fetus and think of the procedure, taking scissors and inserting them into the cranium, into the skull, and the spreading of those scissors. What is that doing? Is that humane?

Therefore, to my statement that this is a barbaric procedure, I say it is an inhumane, barbaric procedure regarding the woman—and I just went through those complications—and regarding the fetus.

Because of the ''fringe'' nature of this practice, because of the lack of peer review and study of this procedure, I have strong feelings about this issue. I have taken too much time walking through the medical aspects, but I think it is important to free up a lot of the intensity of the debate earlier in the day. I think it is important to have a discussion so the American people and my colleagues know at least one surgeon's view of this surgical procedure.

I close by saying that because of this lack of peer review study of this procedure, because of the fringe nature of this procedure, because of the grave risk it poses to the woman, because I believe it is inhumane treatment of that infant, that fetus, and because even as ACOG, the gynecologic society, concedes partial-birth abortion is never the only procedure that has to be used, I strongly support this legislation by the Senator from Pennsylvania to outlaw this barbaric and this inhumane practice.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Pennsylvania.

Mr. SANTORUM. I know the hour is late, and I will not take a lot of time. I appreciate the indulgence of the Senator from Kansas for his marathon stay on the floor and the Chair tonight.

First, let me thank the Senator from Tennessee for his expert testimony. We hear a lot from those who oppose this procedure and the fact there is no obstetrician here. I think someone with the surgical skills and the international reputation of Dr. FRIST, combined with the obstetricians who, in fact, are Members of Congress on the other side of this Capitol who oppose this procedure, who support this bill—I think we have the medical community of the Congress clearly on our side. I think as I stated before, we have the medical community generally on our side, hundreds and hundreds of obstetricians who have come forward and talked about it.

I want to talk tonight about a few cases. I do that for a couple of reasons. I want to articulate again that there are alternatives available to a partial-birth abortion. We heard Dr. FRIST talk about other abortion techniques that are available in the medical literature, techniques available for later in pregnancy if a mother decides to have an abortion. I want to share with people, because I think it is important and this transcends the partial-birth abortion debate, but I think it is relevant to discuss that there are other ways to deal with this that are as healthy, and, I argue, even more healthy, for the mother involved.

We heard the Senator from Illinois, Mr. DURBIN, today talk about Viki Wilson, Coreen Costello, and Vikki Stella. I entered into the RECORD those three cases. All these women came to the Congress. They testified themselves. They brought their own stories forward. They are now being used by Members of Congress and have been used by Members for several years to support the claim this was the only method available to them and this saved their health and their future fertility. I will take them one by one very quickly, but I want to reemphasize that this was not the only option available to them. There were, in fact, more healthy procedures.

That does not mean if a certain procedure is performed—I am sure the doctor would affirm this—there is more than one procedure that can be used. Even if it is not the proper procedure, it may turn out OK with a good result. The point I am trying to make and I think the point the medical community is trying to make: It is not the best medicine, it is not proper, and it certainly isn't the only procedure available.

In the case of Viki Wilson, according to her own testimony, she didn't have a partial-birth abortion. She says in her testimony that the death of her daughter Abigail was induced inside the womb.

My daughter died with dignity inside my womb, after which the baby was delivered head first.

Partial-birth abortion, as we heard Dr. FRIST describe, is when the baby is delivered in a breach position alive, that all of the baby is taken out of the mother except for the head, and then a sharp instrument is inserted in the base of the skull, the baby is killed, and the brains are suctioned out.

That is not what happened. Yet we know that from her testimony, we have known that for several years, since 1995. Yet year after year after year, as we debate this bill, people come to the floor and hold up this case and say: Here is someone who was saved from health consequences by partial-birth abortion. It didn't happen. It didn't happen.

Let's take the cases where it did happen. I have two letters, one from a Dr. Pamela Smith who is at Mount Sinai Hospital in Chicago and another from Dr. Joseph DeCook who is at Michigan State University, discussing two different cases: First the Vikki Stella case, and second Coreen Costello.

It is very comfortable for me to stand here and talk about the very personal and tragic cases. I am sure it is very painful for those involved to hear their case being brought up by someone they disagree with in a very vociferous way. But if they are going to bring their case to support a conclusion that this procedure is medically necessary, then their story, their records, have to be examined to determine whether, in fact, it does support this medical determination, which has been arrived at by some, that this is a medically necessary procedure.

In the case of Miss Stella, she has proclaimed that this is the only thing that could be done to preserve her fertility.

This is what Dr. Pamela Smith writes:

The fact of the matter is that the standard care of that is used by medical personnel to terminate a pregnancy in its later stages does not include partial-birth abortion. Caesarean section, inducing labor with petosin or proglandins or, if the baby has excess fluid in the head, as I believe was the case with Miss Stella, draining the fluid from the

baby's head to allow a normal delivery, all are techniques taught and used by obstetrical providers throughout this country. These are techniques for which we have safe statistics in regard to their impact with regard to the health of both the woman and the child. In contrast, there are no safety statistics on partial-birth abortion.

We heard Dr. FRIST say that. This is not a peer-reviewed procedure. We do not know from any kind of peer-reviewed study as to whether this is proper.

There is no reference on this technique in the National Library of Medicine database, and no long-term studies published to prove it does not negatively affect a woman's ability to successfully carry a pregnancy to term in the future. Miss Stella may have been told this procedure was necessary and safe, but she was sorely misinformed.

We all want to believe what our doctor tells us. We all put faith in our doctor. When our doctor says this is the only thing that could have helped you, I am not surprised that that is repeated by people who had the service performed on them. But what this doctor is saying, what 600 obstetricians have said, what Dr. FRIST has said, what Dr. COBURN in the House has said, what Dr. Koop has said—Dr. C. Everett Koop—what the AMA has said, is that this is not good medicine. So she was sorely misinformed.

One of the complicating factors here that Senator DURBIN brought up was that Vikki Stella had diabetes. And Dr. Smith addresses that. She says:

Diabetes is a chronic medical condition that tends to get worse over time, and it predisposes individuals to infections that can be harder to treat. If Miss Stella was advised to have an abortion, most likely this was secondary to the fact that her child was diagnosed with conditions that were incompatible with life. The fact that Ms. Stella is a diabetic, coupled with the fact that diabetics are prone to infection and the partial-birth abortion procedure requires manipulating a normally contaminated vagina over a course of 3 days, a technique that invites infection, medically I would contend that of all the abortion techniques currently available to her, this was the worst one that could have been recommended for her. The others are quicker, cheaper, and do not place a diabetic in such extreme risk of life-threatening infections.

Again, for all of the argument that we need this procedure to protect the health of the mother, and here are cases in which it was used to protect the life and health of the mother, the fact is it was not the best thing. The evidence is it was not the best thing. So the very cases we are to rely upon to make a judgment that this was in fact a case in point as to why this procedure is necessary do not substantiate the claim. These are their best cases. You don't bring out your worst cases. This is the best evidence.

This goes back to what Dr. FRIST just mentioned, what I have mentioned earlier in the day. We are still waiting to hear what case is necessary: In what case is this the best procedure? Give us the set of facts and circumstances where this is, in fact, a preferable option, where it has been peer reviewed, where there is consensus in the field that this problem with the child and problem with the mother, that combination, requires partial-birth abortion as the preferred method.

Organizations have said this may be the best. If you say ''may,'' then you have to come forward saying where can it be the best; tell me what circumstances. They have not. Yet, incredibly, with all of the evidence we have presented on our side of this issue, of how it is bad medicine, how it is not peer reviewed, how it is rogue medicine, how it was developed by an abortionist who was not an obstetrician, how it is only done in abortion clinics, how it is not taught in medical schools, it is not in any of the literature—all of this information is overwhelming that this is a bad procedure—the only thing they hold onto on the other side is, it may be necessary, with no instance, no hypothetical.

Pull out your worst set of facts for me, put them on paper, and tell me what it is. They will not do it. You have to wonder, don't you, if this is the evidence they want to use to claim that health is a necessary provision. It is bogus. It is bogus.

Coreen Costello—again, this is based on what she has revealed of her medical history of her own accord. Again, Dr. DeCook states that a partial-birth abortion is never medically indicated. In fact, there are several alternative standard medical procedures to treat women confronting unfortunate situations such as what Miss Costello had to face.

According to what she presented to us, the Congress, Miss Costello's child suffered from at least two conditions, polyhydramnios secondary to abnormal fetal swallowing and hydrocephalus.

In the first the child could not swallow the amniotic fluid and an excess of the fluid, therefore, collected in the mother's uterus.

The second condition, hydrocephalus, is one that causes an excessive amount of fluid to accumulate in the fetal head. Because of the swallowing defect, the child's lungs were not properly stimulated, and underdevelopment of the lungs would likely be the cause of death if abortion had not intervened. The child had no significant chance of survival, but also would not likely die as soon as the umbilical cord was cut.

The usual treatment for removing the large amount of fluid in the uterus is called amniocentesis. The usual treatment for draining excess fluid from the fetal head is a process called cephalocentesis. In both cases, the excess fluid is drained by using a thin needle that can be placed inside the womb through the abdomen, transabdominally or through the vagina. The transvaginal approach, however, as performed by Dr. McMahon on Miss Costello, puts a woman at an increased risk of infection because of the nonsterile environment of the vagina. Dr. McMahon used this approach most likely because he had no significant experience in obstetrics and gynecology.

Again, using a higher risk procedure. Why? This man was not an obstetrician; he was an abortionist.

In other words, he may not have been able to do as well transabdominally in the standard method used by OB/GYNs because that takes a degree of expertise he did not possess.

After the fluid has been drained and the head decreased in size, labor will be induced and attempts made to deliver the child vaginally. Miss Costello's statement that she was unable to have a vaginal delivery or, as she called it, natural birth or induced labor, is contradicted by the fact that she did indeed have a vaginal delivery conduct by Dr. McMahon. What Miss Costello had was a breach vaginal delivery for purposes of aborting the child, however, as opposed to a vaginal delivery intended to result in a live birth. A cesarean section in this case would not be medically indicated, not because of any inherent danger but because the baby could have been delivered safely vaginally.

We have heard testimony after testimony from hundreds of obstetricians saying there may be cases where separation has to occur between the mother and the child because of the health of the mother, because of the life of the mother. There may be a case—there are cases where the baby within the mother's womb is a threat to the mother's life and health. But what these doctors have said over and over and over again is, just because we have to separate the mother from the child does not mean you have to kill the child in the process.

In the case of partial-birth abortion—take Coreen Costello—fluid was drained. The baby could have been delivered. The baby could have been delivered and given a chance to survive. By killing the baby, you increase the risk to the mother. When you do a procedure inside of the mother that causes the destruction of the child through shattering the base of the skull, you are performing a brutal procedure, a very bloody, barbaric procedure inside of the mother that could result in laceration, and bony fragments or shards perforating that birth canal area. That is much more dangerous to the health of the mother than simply delivering the baby intact.

It seems almost incredible to me that in the overwhelming—overwhelming—status of the medical evidence presented on the floor we would have any question as to whether this is really necessary to protect the health of the mom.

My argument goes a little further because I think these doctors are saying that you may need to deliver the child prematurely, but you never need to kill the baby to protect the health and life of the mother. There is always a way to deliver the child. At least give this child the dignity of being born.

Remember, most of these abortions are done on healthy mothers and healthy babies. I think everyone looks at this debate and says: Oh, this is a debate; about sick moms and sick kids.

It is not a debate about sick mothers and sick kids. This is a debate primarily about healthy mothers who decide late in pregnancy not to have a child, and the child is healthy. The child would be born alive if it were not killed by the partial-birth abortion. The child, in many cases, would not only be born alive but would survive that birth. We in the Senate say too bad; too bad.

I am going to talk now about the small percentage of cases where there are the difficult choices because that is the real powerful argument. That is why they make it because they believe it is the most powerful argument they have to keep this procedure legal. They do not want to talk about the 90 percent of the cases because they cannot defend that. You cannot defend a 25-week abortion with a healthy mother and a healthy baby where that baby would be born alive, survive, develop, and live normally. You cannot defend that.

And guess what. Surprise, surprise, nobody does. They do not talk about those cases. That is the norm here. That is the norm. That is what goes on out there. They do not talk about that. They want to bring in the sick kids and the sick moms and say: We need this for these small percentage of cases.

Again, let's get to the argument again. In every one of those cases where there is a maternal health issue, there is overwhelming evidence this procedure is not in the best interest of the mother, but they want to bring in the sick kids.

That bothers me because it assumes that you, the American public, out there listening to what I am saying, somehow look at sick children as less important, as less worthy of life, as disposable, as a burden, as a freak, as pain and suffering, not as a beautiful, wonderful gift from God. That is why they argue these cases, and they argue these cases because there are millions of Americans who, when they hear about this child who is deformed or not going to live long, see this child as a burden, as unwanted, as imperfect.

It is a sad commentary on our country if we look at God's creations and see only what their utility is to our country, to our lives, to our world. And if their utility is not how we can quantify it in terms of what kind of job they can have, how smart they will be or how beautiful they will be, what they will add to the value of life in America, they are seen as less useful, less needed, less wanted, a burden.

The fact that the people who make this debate, oppose this bill, bring this up and talk about just these cases sends a chill down my spine, because they are appealing to the darker side of us when they do that. They are appealing to our prejudice against people who do not look like us, who do not act like us, who are not perfect like us, and yet they are the very people who will fight heroic fights. And I give credit to many who will fight the heroic fights to give rights to that disabled child after it survives. But once the child is delivered and once it is alive, then they will fight the battle to make sure it gets a proper education under IDEA.

The Senator in the Chair, Dr. FRIST, was a great leader on that and worked with some of the opponents of this bill on ensuring disabled individuals have rights. But I wonder how they can justify using these cases to appeal to this dark side of us, the cultural phenomenon in this country that demands perfection, that is poisoning our little girls with what perfect little girls must look like, that is leading to disorder after disorder as a result of the striving for perfection that has permeated our culture, what you have to look like, what you have to smell like, what you have to wear.

They feed into that by saying these poor children are not quite worthy of life. While we will fight for them once they are born, I think what they are actually saying is: But we really hope they are not born in the first place.

That is very disturbing because I am going to share with you tonight some stories about parents who made a different choice, who, when they heard about the child inside, decided they were going to look at that child the way God looks at that child, as a beautiful, wonderful creature of God, perfect in every way in His most important eyes, and accepted children for as long or as short a time as their life was to be.

I am going to share with you a story first of Andrew Goin.

Last time we debated this issue on the override of the President's veto last year—it was last fall—I had this picture up here. We talked about Andrew. And I will do so again. But I have a little addendum to this story.

First, let me tell you about Andrew. That is Andrew. Andrew's mother is Whitney Goin. She had a feeling something was wrong 5 months into her pregnancy. When she went in for her first sonogram, a large abdominal wall defect was detected. She described her condition after learning there was a problem with the pregnancy:

> My husband was unreachable so I sat alone, until my mother arrived, as the doctor described my baby as being severely deformed with a gigantic defect and most likely many other defects that he could not detect with their equipment. He went on to explain that babies with this large of a defect are often stillborn, live very shortly, or could survive with extensive surgeries and treatments, depending on the presence of additional anomalies and complications after birth. The complications and associated problems that a baby in this condition could suffer include but are not limited to: bladder exstrophy, imperforate anus, collapsed lungs, diseased liver, fatal infections, cardiovascular malformations . . . .

And so on.

A perinatologist suggested she strongly consider having a partial-birth abortion. The doctor told her it may be something that she ''needs'' to do—that she ''needs'' to do. He described the procedure as ''a late-term abortion where the fetus would be almost completely delivered and then terminated.''

The Goins chose to carry their baby to term. But complications related to a drop in the amniotic fluid level created some concerns. Doctors advised the Goins that the baby's chances for survival would be greater outside the womb. So on October 26, 1995, Andrew Hewitt Goin was delivered by C-section. He was born with an abdominal wall defect known as omphalocele, a condition in which the abdominal organs—stomach, liver, spleen, small and large intestines—are outside of the baby's body but still contained in a protective envelope of tissue. Andrew had his first of several major operations 2 hours after he was born.

Andrew's first months were not easy. He suffered excruciating pain. He was on a respirator for 6 weeks. He needed tubes in his nose and throat to continually suction his stomach and lungs. He needed eight blood transfusions. His mother recalled:

> The enormous pressure of the organs being replaced slowly into his body caused chronic lung disease for which he received extensive oxygen and steroid treatments as he overcame a physical addiction to the numerous pain killers he was given.

It broke his parents' hearts to see him suffering so badly.

Andrew fought hard to live. In fact, Baby Andrew did live. On March 1, 1999, Bruce and Whitney Goin welcomed their second child, Matthew, into the family.

Here is a picture of the two of them.

Contrary to the misinformation about partial-birth abortion that has been so recklessly repeated, carrying Andrew to term did not affect Whitney's ability to have future children.

This is that little boy who ''needed'' to be aborted, who was not ''perfect'' in our eyes. It is one of these ''abnormalities'' that we need to get rid of. What a beautiful little boy. What a gift he is to his parents. What a gift he is to all of us for his courage and inspiration. What inspiration we get as a society from those who overcome the great odds and pain and strife. How ennobled we are by it.

Are we ennobled by partial-birth abortions? Would we be ennobled in this country today if Whitney Goin did what she ''needed'' to do according to the doctor?

Andrew Goin touched more than one life directly.

When I had this previous picture up of Andrew last year, I was here at about this time of night. At that time, Senator DEWINE was in the Chair. I was thinking, and I called my wife about an

hour before, as I did tonight, and I said: Honey, I just have to get up and talk some more. I just feel it in me. I have to say more. I know it's not going to change anybody's vote, but I have to say it. I know there is nobody on the floor other than MIKE DEWINE—at that time; and now BILL FRIST at this time—who will be listening to what I'm going to say, but I have to say it.

So here I am again. I remember finishing that night a little after 10 o'clock. And it was after 10 o'clock, because the pages always encourage me, when I speak late at night, to speak until after 10 o'clock so they don't have to go to school in the morning. So congratulations, you are 3 minutes away from it.

So it was after 10 o'clock. And I remember closing down the Senate and Mike coming up here, and I just felt this sense that this was all for nothing—as much as I care about this issue and as wrong as I believe this is for our country—that all that was said that night was falling on deaf ears.

In fact, the next day we lost the override vote. So my feeling of futility, if you will, was compounded—until a few days later when I received an e-mail from a young man who said:

Recently my girlfriend and I were flipping through the channels, and we came across C–SPAN, and were fortunate enough to hear your speech regarding the evils of partial-birth abortion. We saw the picture of the little boy with the headphones on, who was lucky enough to have had parents who loved him and brought him into this world instead of ending his life prenatally. Both of us were moved to tears by your speech.

And my girlfriend confessed to me that she had scheduled an appointment for an abortion the following week. She never told me about her pregnancy because she knew that I would object to any decision to kill our child. But after watching your emotional speech, she looked at me, as tears rolled down her cheeks, and told me that she could not go through with it.

We're not ready to be parents. We still have a couple years left at college. And then we will have a large student loan to pay back. But I am grateful that my child will live. It is a true tragedy that the partial-birth abortion ban failed to override Clinton's veto. But please take some comfort in knowing that at least one life was saved because of your speech. You have saved the life of our child. May God bless you and keep you.

Fortunately for me, the writer of this e-mail stayed in touch. I received an e-mail a couple of weeks ago that reported back what had happened over the previous year. He says:

We reevaluated our ability to raise a child at this point in time in our lives, and we finally decided to put our baby up for adoption. I know that she is being raised by a loving couple that cares deeply for her. I often wonder if we did the right thing by putting her up for adoption, but I know we did the right thing by bringing her into the world. Every now and then I think that one day she is going to grow up and be a part of the lives of many people. Then I wonder what would have happened if I had just kept on clicking through the channels and not stopped to see you speaking on C-SPAN. A terrible thing might have happened and I probably would never have known about it. I will always have in my mind the thoughts about her life that she is living and the people that she is important to. Once again, thank you so much for your speech on C-SPAN that day. It is a terrible tragedy that you were unable to override Clinton's veto, what it meant to us, of course, our daughter and her adopted parents.

There is something ennobling about that story, something that touches all of us, something that gives us hope. What I am saying is, I don't think partial-birth abortion does that to anyone. I don't think it is ennobling to kill a child 3 inches away from being born. I don't think it is inspiring. I don't think it is the better angels of our nature. I don't think it is going to go down in the annals of the Senate as one of our great compassionate civil rights votes or constitutional votes.

It doesn't lift up our spirits. It doesn't make us walk with that longer stride, with our head held high. It is sanctioning the killing of an innocent baby who is 3 inches away from constitutional protection, and it blurs the line of what is permissible in this country. If we can kill a little baby that would otherwise be born alive, 3 inches away from being born, what else are we capable of?

Unfortunately, we are answering that question every day, with the violence we see reported on television, with the insensitivity to life that we see occurring in our daily lives, with the calls for assisted suicide, with the calls for mercy killings, even with this debate, with the argument the Senator from California made earlier. She wants to make sure that every child is wanted.

Mother Teresa said it best at the National Prayer Breakfast a few years ago. ''Give me your children,'' she said. Give me your children. If you don't want your children, give them to me; I want them.

Tens of thousands of mothers and fathers who cannot have children want those children and will love those children. There is not a shortage of wanting in America when it comes to children. The most debilitating thing to think about is that the life of a child can be snuffed out, a life that could include 90 or 100 years. A little girl born this year has a 1-in-3 chance to live to be 100. So for those little girls who are aborted through partial-birth abortion, 100 years of loving and making a contribution to our society, finding the cure to cancer, of enriching our lives is snuffed out because for a period of time, a short period of time, your mother didn't want you. How many of us in our lives today would be snuffed out or could be snuffed out because someone doesn't want you?

We have a chance to make a statement tomorrow in the Senate. We have a chance to stand as a body for these little children, these imperfect little children who the world and, unfortunately, Members of the Senate believe are somehow less worthy of being born because they may not live long or they may be in pain and it would be merciful to put them out of their misery. I am sure Andrew Goin would say, please don't show me that kind of mercy. In fact, we have lots of other children who were born who I am sure would say, please don't show me that kind of mercy.

A picture here of Tony Melendez. Tony was born with no arms, 11 toes, and severe clubfoot. That is little Tony. I am sure what he would say to you today is, please don't show me that kind of mercy because I am not perfect like you would like me to be. Tony didn't let all the prejudice that comes with having no arms, a clubfoot, 11 toes stop him from being one of the greatest inspirations we have had in our time. Tony is now a musician. Tony plays the guitar with his feet. He has performed for the Pope on three occasions, has traveled to 16 foreign countries, played the national anthem in game 5 of the 1989 World Series, on and on and on.

If you would listen to the debate today on the floor of the Senate, you would think it might be more merciful to let him die before he gets the chance to prove that he is worthy.

Donna Joy Watts. Donna Joy was here a couple of years ago. Donna Joy is an amazing story. It has been put in the CONGRESSIONAL RECORD for a long time. We had it in here several times. Lori Watts, her mom, found out that her child had hydrocephalus, an excessive amount of cerebral fluid, water on the brain. She was told her daughter would virtually have no brain, that most of her brain would be gone. So the obstetrician, when she found out on the sonogram, said Donna Joy should be aborted, that a partial-birth abortion should be performed—yes, a partial-birth abortion. Mr. Watts said, ''No, we don't want to do an abortion.'' So they sent the Wattses to see a high-risk obstetrics group. They went to three hospitals in the Baltimore area. All three hospitals said they would abort Donna Joy, but they would not deliver her. Let me repeat that. They would perform an abortion, but they would not deliver her. So people are worried about safe access to abortion. We are getting to the point where we need safe access to birth. Finally, she found a team that would deliver her. Again, this group also advised an abortion but then agreed to deliver. She was born with severe health problems.

What the Wattses expected was that, as soon as the baby was born, a team would go into action to see what they could do to help save this little girl. They found out that they did nothing. They did nothing. They put the baby in a neonatal unit and kept it warm and

they said to the Wattses, your baby is going to die. We are not going to do anything. This baby is so sick, has such a little brain, so many complications, we are not going to deal with it. Guess what. She didn't give up. She kept living. So now the doctors had this baby, now alive three days, and they don't know what to do with her. This baby keeps living and she should have been dead.

Finally, three days later, they implanted a shunt to drain off the excess fluid. Of course, the shunt should have been in as soon as possible to minimize the damage, but they waited three days. What has happened ever since then has been remarkable. Yes, there were complications. The shunts haven't worked. They have had to go back in several times to fix that. They had trouble feeding her. And so her mother came up with an ingenious way of fixing a mixture of baby food and giving it by syringe, one drop at a time, because that is all she could handle eating. She had other complications.

Meningoencephalocele is another complication, and I can go on with epilepsy, sleep disorders, digestive complications. She has had a lot of problems. But she has survived them all. She has survived them all.

Donna Joy is about to celebrate, next month, her eighth birthday. And, yes, I have met her. She has been in my office. She walks and talks and plays with my kids. She takes karate and she goes around with her mom to various places. We are fortunate to have the Watts living in Pennsylvania. She provides living testimony to hope and to the horrors of partial-birth abortion, because she should not be alive today. She should not be in this picture. If you accept the arguments on the other side, it is probably better if she wasn't there.

I don't accept those arguments. I don't accept the arguments that because a child may not have the kind of life that you want, she cannot have a life worth living, because all life is worth living.

There are several other cases here that I would like to put in the RECORD. One I want to talk about, finally, is the case of Christian Matthew McNaughton. I talk about this because this is somewhat personal because I know the McNaughtons. They are a wonderful family. Mark is a State legislator up in Pennsylvania. Christian was born in 1993. Before he was born, the McNaughtons found, when Dianne went in for a sonogram, that Christian had hydrocephalus, water on the brain. By the way, in several of the stories we heard about why we need to have partial-birth abortion, the abnormality was hydrocephalus. So these are parallel cases. The radiologist said the baby seemed to have more fluid on the brain than tissue. They cautioned that it was possible the baby had no brain at all. They were told their prospects were dim, and they were advised that they could have an abortion. It would be preferable to have an abortion. In fact, they were offered a partial-birth abortion.

Again, as the doctor explained it, the baby would be partially delivered, the surgical instrument inserted into the base of the skull, the brains would be extracted, or what there was of the brain, and the rest of the body would be delivered. Of course, they rejected that option. One of the doctors said, after they rejected the option, that shunt surgery to relieve the pressure, the fluid on the baby's brain, would not be performed if the child's quality of life prospects did not warrant it. That goes back to the Donna Joy situation.

Christian was born in June of 1993. He required special medical care. A CAT Scan revealed he suffered a stroke in utero, which caused excess fluid to build up in his brain. It showed that the lower level quadrant of his brain was missing. Within a week of his birth, he had the first shunt surgery to drain fluid, and he had a follow-up procedure in three months. He exceeded everybody's expectations. So a baby, which doctors initially believed was blind, had no capacity for learning, grew to a little boy who talked, walked, ran, sang, enjoyed playing baseball and basketball. He attended preschool. His heroes were Cal Ripken, Jr., Batman, Spiderman, and the Backstreet Boys. He loved whales and dolphins. His favorite movie was Angels in the Outfield. And he especially loved his baby sister, who was two years younger than he. Christian brought joy to all who were fortunate enough to know him.

In August, Christian began experiencing head pains. Here is little Christian in this photo, and this is his little baby sister. His shunt was malfunctioning, and it had to be replaced.

After surgery, Christian experienced cardiac arrest respiratory distress. He slipped into a coma. Fluid continued to accumulate on his brain. He fought hard to live. But he didn't. He died 2 years ago on August 8 at the age of 4.

If you think these kids don't matter, if you think this option is just all pain, ask Mark and Dianne whether they would trade the 4 years. They have those wonderful memories—difficult, sure; painful, sure. But they believed in their child. They loved him. They nurtured him. And he returned much more than they ever gave—not just to them but to all of us.

Do you want to know how they felt about their little brother?

Last year, on his anniversary, these are little ads taken out in the Harrisburg Patriot News by his sisters, his brother, his mom and dad.

His sister said:

Christian, we love you, we miss you, we wish we could kiss you just one more time.

His brother, Mark:

I have a poem for you.

Blue jays are blue, and I love you; robins are red, and I miss you in bed; sparrows are black, I wish you were back; I am sorry for the bad things I did to you, you are the best and the only brother I ever had, please watch over us and take care of us. Love Mark.

His mom and dad:

Our arms ache to hold you again. Our hearts are forever broken, but we thank God we had a chance to love you. We know your smile is brightening up the heavens, and that Jesus loves the little children. Please help us to carry on until the day we can all play together again.

What would be missed, as some would suggest, if we just take all of this pain away, and kill this baby before it would suffer through this horrible life?

The McNaughtons would not trade a minute. I think it is obvious they wouldn't trade a minute.

All of the stories are not happy ones. All of the sad stories do not have a bright side. Some are just tragic and tragic and tragic.

But I can tell you as a family who has gone through the loss of a child, and what we thought was a normal pregnancy didn't go the way we had hoped, accepting your child, loving your child, taking your children as they are, for as long as they are to be may be the hardest thing you can do. But it is the best that we can do—not just for the child whose life you have affirmed and accepted but in your life.

In the case of Mark, the little boy knew he was loved. He lived a couple of hours. Karen and I and our family have the knowledge that for those hours we opened up our arms to him, and during those 2 hours he knew he was loved.

What a wonderful life we could all have if that is all we had.

We have a chance tomorrow to draw a bright line. A bright line needs to be drawn for this country. If there is a time in our society and in our world when we need a bright line separating life and death, I can think of no better time.

This debate today and tomorrow is drawing that line, affirming that once a baby is in the process of being born and there is a partial-birth abortion outside of the mother, the line has been crossed. It is not a fuzzy line. If we perform that kind of brutality to a little baby who would otherwise be born alive, it is beneath us as a country.

History will look back at this debate, I am sure, and wonder how it could have ever occurred. How we could ever have done that to the most helpless among us? How did we ever cross the line?

But tomorrow those Members of the Senate will have a chance to tell a different story for history, to say that the greatest deliberative body in the world will strike a clear blow for the right to life for little children during the process of being born.

I don't think it is too much to ask. But I do ask it of my colleagues. I plead with them to find somewhere in their hearts the strength to stand up and do what is right for this country, what is right for the little children, and say no to partial-birth abortions.

Mr. President, I yield the floor.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements and arrearages for international organizations, international peacekeeping, and multilateral development banks.

I hereby submit revisions to the 2000 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[In millions of dollars]

	Budget authority	Outlays	Deficit
Current allocation:			
General purpose discretionary	550,441	557,580	.....
Violent crime reduction fund	4,500	5,554	.....
Highways	.....	24,574	.....
Mass transit	.....	4,117	.....
Mandatory	321,502	304,297	.....
Total	876,443	896,122	.....
Adjustments:			
General purpose discretionary	+7,063	+4,118	.....
Violent crime reduction fund	.....	.....	.....
Highways	.....	.....	.....
Mass transit	.....	.....	.....
Mandatory	.....	.....	.....
Total	+7,063	+4,118	.....
Revised allocation:			
General purpose discretionary	557,504	561,698	.....
Violent crime reduction fund	4,500	5,554	.....
Highways	.....	24,574	.....
Mass transit	.....	4,117	.....
Mandatory	321,502	304,297	.....
Total	883,506	900,240	.....
I hereby submit revisions to the 2000 budget aggregates, pursuant to section 311 of the Congressional Budget Act in the following amounts:			
Current allocation: Budget resolution	1,445,390	1,428,962	−20,880
Adjustments: Emergencies and arrearages	+7,063	+4,118	−4,118
Revised allocation: Budget resolution	1,452,453	1,433,080	−24,998

EXPLANATION OF VOTE

Mr. DODD. Mr. President, I was necessarily absent while attending to a family member's medical condition during Senate action on rollcall votes Nos. 328 and 329.

Had I been present for the votes, I would have voted as follows: On rollcall vote No. 328, adoption of the conference report on H.R. 2684, a bill 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, I would have agreed to the conference report. On rollcall vote No. 329, the motion to table Senate Amendment No. 2299, a Reid perfecting amendment to the campaign finance reform bill, I would have voted not to table the amendment.

CAMPAIGN FINANCE REFORM

Mr. MOYNIHAN. Mr. President, we have now set aside—until the next time!—the McCain-Feingold legislation on campaign finance reform. I did not speak during this most recent debate. The third in three years, and for certain not the last as Senator FEINGOLD made clear last evening on the ''NewsHour with Jim Lehrer.'' I supported the reform with only a faint sense of familiarity. Here we are, reforming the results of the last reform. A not infrequent task of Congress. But now it might be useful to offer a few related observations.

The first is to state that raising money for political campaigns has never been a great burden for this Senator, and for the simple reason that I hardly do any. One dinner a term, perhaps two. Some receptions. Lots of mail. Not surprisingly the results are not exactly spectacular. In 1994, my last campaign, and which will be my last campaign, the Federal Elections Commission records our having raised $6,100,147. This is for the State of New York, the third most populous in the nation. But it sufficed. For practical purposes, all the money went to television, with the incomparable Doug Schoen keeping an eye on the numbers lest trouble appear unexpectedly. Our campaign staff never had ten persons, which may sound small to some, but I believe was our largest ever. Even so, we have done well. In 1988, I received some 4,000,000 votes and won by more than 2,000,000 votes, the largest numerical margin of victory in any legislative election in history. I say all this simply to note that just possibly money isn't everything. But if we think it is, it might as well be. And so we must persevere.

This July, in his celebrated Wall Street Journal column, Paul Gigot referred to me as an ''old pol'' and an ''ever loyal Democrat.'' I wrote to thank him, for this is pretty close to the truth. If I have spent time in universities it was usually seeking sanctuary after a failed election, my own or others. I go back before polling, and before television. (Although in 1953 I did write a 15-minute television speech for the Democratic candidate for Mayor of New York City, Robert F. Wagner, Jr. It might have been seen by 10,000 people.) But of course polling caught on, as the mathematics got better, and television has never stopped. And these, of course, are the technologies that seemingly confound us today. But this subject has been with us the longest while.

Congress first placed restrictions on political spending with the Naval Appropriations Bill of 1867 which prohibited Navy officers and Federal employees from soliciting campaign funds from navy yard workers.

Faced with allegations that corporations had bought influence with contributions to his campaign, President Theodore Roosevelt called for campaign finance reform in his 1905 and 1906 State of the Union addresses. In response, Congress passed the Tillman Act of 1907, banning corporate gifts to Federal candidates. And during World War II, the War Labor Disputes Act of 1943, known as the Smith-Connally Act, temporarily prohibited unions from making contributions in Federal elections. In 1947, the Taft-Hartley Act made this wartime measure permanent. As my colleagues well know, these bans have been made virtually irrelevant with the advent of so-called ''soft money.''

Requirements for the disclosure of donors originated in the so-called Publicity Act of 1910 which required the treasurer of political committees to reveal the names of all contributors of $100 or more. Congress expanded the disclosure rules with the 1925 Federal Corrupt Practices Act, requiring political committees to report total contributions and expenditures. The Court upheld this Act in Burroughs v. United States, declaring that Congress has the prerogative to ''pass appropriate legislation to safeguard (a Presidential) election from the improper use of money to influence the result.'' We continue to debate how to exercise that prerogative today.

But may I focus on one particular aspect of campaign funding, which is relatively new? Money for television. Ease this by providing free television time—those are public airways—and as much about the problem goes away as will ever be managed in this vale of toil and sin.

Max Frankel, the long-time and venerable editor of the New York Times and a wise and seasoned observer of American politics, addressed this issue in the October 26, 1997 New York Times Magazine:

> The movement to clean up campaign financing is going nowhere for the simple reason that the reformers are aiming at the wrong target. They are laboring to limit the flow of money into politics when they should be looking to limit the candidates' need for money to pay for television time. It is the staggering price of addressing the voters that drives the unseemly money chase.

To run effectively for major office nowadays one needs to spend millions for television commercials that spread your fame, shout your slogans, denounce your opponents, and counteract television attacks. A campaign costing

$10 million for a governorship or seat in the Senate is a bargain in many states. The President, even with all the advantages of the White House at his command, appears to have spent more than $250 million on television ads promoting his reelection in 1996. $250 million!

The problem of so-called ''issue advocacy'' is only fueling the amount of money going into television ads and further distorting our electoral system. On February 10, 1998, Tim Russert delivered the fifth annual Marver H. Bernstein Symposium on Governmental Reform at Georgetown University. In his address, he asserted that ''television ads paid for by the candidates themselves are (not) going to be the problem in future election cycles. That distinction will be earned by so-called 'issue advocacy' advertising by ideological and single issue groups.'' He made the point that, unlike candidates, these groups are not subject to campaign contribution limits or disclosure requirements.

In Buckley v. Valeo the Supreme court held that these ads are protected speech under the First Amendment. We are told that requiring such groups to disclose their list of contributors might be a violation of the First Amendment under NAACP v. Alabama. Mr. Russert contends that ''unless the Fourth Estate is able to identify these groups and ferret out their funding, and explain their agenda, many elections could very well be taken hostage by a select band of anonymous donors and political hit men.'' There must be a better way.

Might I suggest that the way to reduce the influence of these ''select band of anonymous donors and political hit men'' and to reduce the ungodly amount of money being used in campaigns is free television time for candidates. Frankel writes:

> It would be cheaper by far if Federal and State treasuries paid directly for the television time that candidates need to define themselves to the public—provided they purchased no commercial time of their own. Democracy would be further enhanced if television stations that sold time to special interest groups in election years were required, in return for the use of the public spectrum, to give equal time to opposing views. But so long as expensive television commercials are our society's main campaign weapons, politicians will not abandon the demeaning and often corrupt quest for ever more money from ever more suspect sources.

The version of the McCain-Feingold bill we have been considering restricts so-called ''soft money''—contributions that national, state, county, and local party organizations may collect and spend freely provided only that the television messages they produce with the funds are disguised to appear ''uncoordinated'' with any candidate's campaign. This is a good first step. But it is not enough. Even if soft money and slimy variants were prohibited, political money would reappear in liquid or vaporous form. If we want to make significant changes with regard to how we conduct campaigns, we must—to repeat Frankel—look beyond limiting the flow of money into politics and rather look to limiting the candidates' need for money to pay for television time. Frankel concludes his piece on campaign finance reform by stating that ''there is no point dreaming of a law that says 'you may not' so long as the political system daily teaches the participants 'you must.' Until candidates for office in America are relieved of the costly burden of buying television time, the scandals will grow.'' He could not be more right.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS

VERMONT RURAL FIRE PROTECTION TASK FORCE

Mr. JEFFORDS. Mr. President, I first thank Senator BOND for all of his hard work on the FY 2000 Departments of Veterans Affairs and Housing and Urban Development Appropriations bill, and the attention he paid to priorities in my home State of Vermont. I would like to briefly discuss with the Senator from Missouri the $600,000 provided in the Conference Report for the Vermont Rural Fire Protection Task Force.

It is my understanding that the funds provided are for the purchase of personal safety equipment that includes, but is not limited to the following: self-contained breathing apparatus, fire resistant turn out gear (helmets, coats pants, boots, hoods, gloves, and the like), personal pagers, personal accountability system to fulfill requirements of OSHA's two in two out rule, portable radios and personal hand lights. The need for new firefighting equipment is great in Vermont, because of the new OSHA regulations. I hope that the funds provided in this bill will be matched 50 percent with non-federal funds.

Further, it is my understanding that the funds will be administered by the Vermont Rural Fire Protection Task Force supported by the George D. Aiken and the Northern Vermont Resource Conservation and Development Council.

Mr. BOND. The Senator from Vermont has accurately described the intentions of the Conference Report accompanying the FY 2000 Departments of Veterans Affairs and Housing and Urban Development Appropriations bill.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 19, 1999, the Federal debt stood at $5,670,293,241,725.48 (Five trillion, six hundred seventy billion, two hundred ninety-three million, two hundred forty-one thousand, seven hundred twenty-five dollars and forty-eight cents).

One year ago, October 19, 1998, the Federal debt stood at $5,541,765,000,000 (Five trillion, five hundred forty-one billion, seven hundred sixty-five million).

Five years ago, October 19, 1994, the Federal debt stood at $4,705,195,000,000 (Four trillion, seven hundred five billion, one hundred ninety-five million).

Ten years ago, October 19, 1989, the Federal debt stood at $2,876,712,000,000 (Two trillion, eight hundred seventy-six billion, seven hundred twelve million).

Fifteen years ago, October 19, 1984, the Federal debt stood at $1,592,001,000,000 (One trillion, five hundred ninety-two billion, one million) which reflects a debt increase of more than $4 trillion—$4,078,292,241,725.48 (Four trillion, seventy-eight billion, two hundred ninety-two million, two hundred forty-one thousand, seven hundred twenty-five dollars and forty-eight cents) during the past 15 years.

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 NATIONAL EMERGENCY WITH RESPECT TO NARCOTICS TRAFFICKERS IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 67

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 (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.

The White House, *October 20, 1999*.

MESSAGES FROM THE HOUSE

At 1:20 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 bills, in which it requests the concurrence of the Senate:

H.R. 1497. An act to amend the Small Business Act with respect to the women's business center program.

H.R. 1887. An act to amend title 18, United States Code, to punish the depiction of animal cruelty.

H.R. 3046. An act to preserve limited Federal agency reporting requirements on banking and housing matters to facilitate congressional oversight and public accountability, and for other purposes.

The message also announced that pursuant to section 1405(b) of the Child Online Protection Act (47 U.S.C. 231), the Speaker appoints the following members on the part of the House to the Commission on Online Child Protection:

Mr. John Bastian of Illinois, engaged in the business of providing Internet filtering or blocking services or software.

Mr. William L. Schrader of Virginia, engaged in the business of proving Internet access services.

Mr. Stephen Balkam of Washington, D.C., engaged in the business of providing labeling or rating services.

Mr. J. Robert Flores of Virginia, and academic export in the field of technology.

Mr. William Parker of Virginia, engaged in the business of making content available over the Internet.

The message also announced that pursuant to section 1405(b) of the Child Online Protection Act (47 U.S.C. 231), and upon the recommendation of the Majority Leader, the Speaker appoints the following members on the part of the House of the Commission on Online Child Protection:

Mr. James Schmidt of California, engaged in the business of making content available over the Internet.

Mr. George Vrandenburg of Virginia, engaged in the business of providing domain name registration services.

Mr. Larry Shapiro of California, engaged in the business of providing Internet portal or search services.

At 2:43 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

ENROLLED BILL SIGNED

At 8:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1497. An act to amend the Small Business Act with respect to the women's business center program; to the Committee on Small Business.

H.R. 3046. An act to preserve limited Federal agency reporting requirements on banking and housing matters to facilitate congressional oversight and public accountability, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURE PLACED ON THE CALENDAR

The following bill was read twice and place on the calendar:

H.R. 2140. An act to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia.

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–5707. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–5708. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to pricing and shipping regulations, received October 15, 1999; to the Committee on Governmental Affairs.

EC–5709. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5710. A communication from the Executive Director, Marine Mammal Commission, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5711. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ''Agency Compliance with the Unfunded Mandates Reform Act of 1995''; to the Committee on Governmental Affairs.

EC–5712. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Time for Recharacterization of 1998 Roth IRA Contributions'' (Announcement 99-104), received October 14, 1999; to the Committee on Finance.

EC–5713. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to emergency funds made available to the State of New Jersey because of recent floods; to the Committee on Health, Education, Labor, and Pensions.

EC–5714. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Gastroenterology and Urology Devices; Classification of the Electrogastrography System'', received October 14, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5715. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''General and Plastic Surgery Devices; Classification of the Nonreusable Gauze/Sponge for External Use, the Hydrophille Wound Dressing, the Occlusive Wound Dressing, and the Hydrogel Wound Dressing'', received October 14, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5716. A communication from the Assistant General Counsel for Regulations, Office of Student Financial Assistance, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''The Secretary's Recognition of Accrediting Agencies'' (RIN1845–AA09), received October 14, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5717. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Section 8 Moderate Rehabilitation Program; Executing or Terminating Leases on Moderate Rehabilitation Units when Remaining Term of the Housing Assistance Payments (HAP) Contract is for Less than One Year; Statutory Update-Interim Rule'' (RIN2577–AB98) (FR–4472–I–01), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5718. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Introduction to FHA Programs; CFR Correction'' (FR–Doc. 99–55532), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5719. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Introduction to FHA Programs; CFR Correction (Second Correction)'' (FR–Doc. 99–55536), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5720. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Single Family Mortgage Insurance; Clarification of Floodplain Requirements Applicable to New Construction; Final Rule'' (RIN2502–AH16) (FR–4323–F–02), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5721. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Section 8 Housing Assistance Payments Program; Contract Rent Annual Adjustment Factors, Fiscal Year 2000

(Notice of Revised Contract Rent Annual Adjustment Factors)'' (FR–4528–N–01), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5722. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Fair Market Rents for the Section 8 Housing Assistance Payments Program for Fiscal Year 2000 (Notice of Final Fiscal Year (FY) 2000 Fair Markets Rents (FMRs))'' (FR–4496–N–02), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5723. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule entitled ''Extended Examination Cycle for U.S. Branches and Agencies of Foreign Banks'' (RIN3064–AC15), received October 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–367. A joint resolution adopted by the Legislature of the State of California relative to trucks entering California from foreign nations; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 16

Whereas, A recent study by the United States Government Accounting Office (GAO) found that Mexican commercial trucks entering the United States often fail to meet basic safety standards; and

Whereas, The GAO reported that Mexican trucks entering the United States may have serious safety violations impacting highway safety, including broken suspension systems, substandard tires, inoperable brakes, overweight loads, and improperly maintained hazardous material loads; and

Whereas, The report of the federal Office of the Inspector General titled, ''Motor Carrier Safety Program for Commercial Trucks at U.S. Borders,'' issued on December 28, 1998, identified California as the only state that enforces the Federal Operating Authority Regulation and complimented California for having both the best inspection practices and the lowest out-of-service rate; and

Whereas, Mexico has no automated system by which California law enforcement officials can determine whether a Mexican commercial driver has a valid license or a driving or criminal record; and

Whereas, The government of Mexico has no laws limiting the maximum number of hours that drivers may safely operate a commercial vehicle and no system of worker's compensation insurance to protect drivers who are injured while at work; and

Whereas, Mexico's mandatory alcohol and drug testing program does not adequately test commercial drivers and its substance-abuse testing laboratory has not been certified by the United States Department of Transportation to meet internationally agreed-upon standards for accuracy; and

Whereas, ''Operation Alliance,'' a federally sponsored drug-enforcement coordinating agency and the United States Customs Service drug-inspection program found that drug traffickers are becoming owners of, or are obtaining controlling interests in, transportation businesses, such as trucking companies, warehouses, and semi-trailer manufacturing companies, in order to take advantage of the increased trucking trade authorized by the North American Free Trade Agreement; and

Whereas, The Southern California Association of Governments recently passed a resolution authorizing its regional council to alert the President of the United States to the ''major safety issues involved in trucking regulations under the North American Free Trade Agreement''; and

Whereas, The federal government has chosen not to implement the provisions of the North American Free Trade Agreement that call for unlimited access by Mexican trucks to the territory of the State of California; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature memorializes the President and the Congress of the United States to maintain the existing restrictions on trucks from Mexico and other foreign nations entering California and to continue efforts to ensure full compliance by the owners and drivers of those trucks with all highway safety, environmental, and drug-enforcement laws; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor.

POM–368. A resolution adopted by the House of the Legislature of the State of Michigan relative to block grant amounts to the states through the Temporary Assistance to Needy Families program; to the Committee on Finance.

HOUSE RESOLUTION NO. 48

Whereas, A key component of the welfare reforms enacted in 1996 is the Temporary Assistance to Needy Families block grant program. The levels of these block grants were guaranteed for a five-year period as a means to help in the transformation of the nation's approach to welfare and helping people help themselves; and

Whereas, A proposal has surfaced in Washington to have the states return unobligated balances from the TANF block grant funding. The proposal has raised the concerns and opposition of state policymakers around the country who do not want the success of welfare reform to be derailed or threatened by reductions in this funding. This funding, as well as the flexibility to administer federal programs, is critical to genuine, meaningful, longstanding welfare reform; and

Whereas, Discussions on altering or reducing block grant programs for needy families also include proposed changes in Medicaid options, social services block grants, child support initiatives, and efforts to secure health insurance coverages for children. The possibility of bringing new conditions for the expenditure of funds or cuts in the amounts of block grants has generated considerable concern across the country; and

Whereas, The reforms brought to the country's approach to welfare in 1996 also represented a significant step in the relationship between Washington and the states. This new partnership allowed and even encouraged the ''laboratories of democracy'' to find solutions that account for the unique resources and needs of each state. Michigan's success and the similar achievements across the nation should not be jeopardized by Washington reclaiming money promised to the states; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United Stats to reject any reduction in block grant amounts to the states through the Temporary Assistance to Needy Families (TANF) program or any changes in conditions or requirements that reduce the flexibility of the states, and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. 1290. A bill to amend title 36 of the United States Code to establish the American Indian Education Foundation, and for other purposes (Rept. No. 106–197).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 624. A bill to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes (Rept. No. 106–198).

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was submitted:

By Mr. MURKOWSKI, for the Committee on Energy and Natural Resources:

David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's 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. CHAFEE (for himself, Mr. CRAPO, Mr. MOYNIHAN, and Mr. LIEBERMAN):

S. 1752. A bill to reauthorize and amend the Coastal Barrier Resources Act; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. LEAHY, and Mr. KENNEDY):

S. 1753. A bill to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1754. A bill entitled the ''Denying Safe Havens to International and War Criminals Act of 1999''; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. DORGAN):

S. 1755. A bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones; to the

Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself and Mrs. MURRAY):

S. 1756. A bill to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 1757. A bill to amend title XVIII of the Social Security Act to improve access to rural health care providers; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. DEWINE, and Mr. GRASSLEY):

S. 1758. A bill to authorize urgent support for Colombia and front line states to secure peace and the rule of law, to enhance the effectiveness of anti-drug efforts that are essential to impending the flow of deadly cocaine and heroin from Colombia to the United States, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself, Mr. CRAPO, Mr. MOYNIHAN, and Mr. LIEBERMAN):

S. 1752. A bill to reauthorize and amend the Coastal Barrier Resources Act; to the Committee on Environment and Public Works.

THE COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 1999

● Mr. CHAFEE. Mr. President, I am here today to introduce a bill to reauthorize the Coastal Barrier Resources Act (CBRA). Most people do not realize that coastal barriers are the first line of defense protecting the mainland from major storms and hurricanes, and this extremely vulnerable area is under increasing developmental pressure. From 1960 to 1990, the population of coastal areas increased from 80 to 110 million and is projected to reach over 160 million by 2015. Continued development on and around coastal barriers place people, property and the environment at risk.

To address this problem Congress passed CBRA in 1982. This extremely important legislation prohibits the Federal government from subsidizing flood insurance, and providing other financial assistance such as beach replenishment within the Coastal Barrier Resources System. Nothing in CBRA prohibits development on coastal barriers, it just gets the Federal government out of the business of subsidizing risky development.

The law proved to be so successful that we expanded the Coastal Barrier System in 1990 with the support of the National Taxpayers Union, the American Red Cross, Coast Alliance and Tax Payers for Common Sense, to name just a few. The 1990 Act doubled the size of the System to include coastal barriers in Puerto Rico, the U.S. Virgin Islands, the Great Lakes and additional areas along the Atlantic and Gulf coasts. We also allowed the inclusion of areas that are already protected for conservation purposes such as parks and refuges. Currently the System is comprised of 3 million acres and 2,500 shoreline miles.

Development of these areas decreases their ability to absorb the force of storms and buffer the mainland. The devastating floods of Hurricane Floyd are a reminder of the susceptibility of coastal development to the power of nature. The Federal Emergency Management Agency reports that 10 major disaster declarations were issued for this hurricane, more than for any other single hurricane or natural disaster. In fact, 1999 sets a record for major disaster declarations—a total of 14 in this year alone. As the number of disaster declarations has crept up steadily since the 1980's, so has the cost to taxpayers. Congress has approved on average $3.7 billion a year in supplemental disaster aid in the 1990's, compared to less than $1 billion a year in the decade prior.

Homeowners know the risk of building in these highly threatened areas. Despite this taxpayers are continually being asked to rebuild homes and businesses in flood-prone areas. The National Wildlife Federation came out with a study that found that over forty percent of the damage payments from the National Flood Insurance Program go to people who have had at least one previous claim. A New Jersey auto repair shop made 31 damage claims in 15 years.

At a time when climatologists believe that Floyd and other major hurricanes signal the beginning of a period of turbulent hurricane activity after three decades of relative calm, safety factors of continuing to develop coastal barrier regions must also be considered. As roadway systems have not kept up with population growth, it will become increasingly difficult to evacuate coastal areas in the face of a major storm.

Beyond the economic and safety issues, another compelling reason to support the Coastal Barrier Resources Act is that it contributes to the protection of our Nation's coastal resources. Coastal barriers protect and maintain the wetlands and estuaries essential to the survival of innumerable species of fish and wildlife. Large populations of waterfowl and other migratory birds depend on the habitat protected by coastal barriers for wintering areas. Undeveloped coastal barriers also provide unique recreational opportunities, and deserve protection for present and future public enjoyment.

The legislation which I am introducing today would reauthorize the Act for eight years and make some necessary changes to improve implementation. A new provision would establish a set of criteria for determining whether a coastal barrier is developed. Codifying the criteria will make it easier for homeowners, Congress and the Fish and Wildlife Service to determine if an area qualifies as an undeveloped coastal barrier. The legislation would also require the Secretary of the Interior to complete a pilot project to determine the feasibility of creating digital versions of the coastal barrier system maps. Digital maps would improve the accuracy of the older coastal barrier maps, and make it easier for the Department of Interior and homeowners to determine where a structure is located. Eventually, we hope that the entire System can be accessed by the Internet.

I believe that Congress should make every effort to conserve barrier islands and beaches. This legislation offers an opportunity to increase protection of coastal barriers, and at the same time, saves taxpayers money. I urge my colleagues to support this legislation.●

By Mr. HATCH (for himself, Mr. ABRAHAM, Mr. LEAHY, and Mr. KENNEDY):

S. 1753. A bill to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act; to the Committee on the Judiciary.

KEEPING IMMIGRANT SIBLINGS TOGETHER

Mr. HATCH. Mr. President, I rise today to introduce a bill corresponding to one introduced by Congressman HORN of California and passed the House of Representatives this week. The intent of this bill is to allow immigrant orphan siblings to stay together when being adopted by U.S. citizens.

Under current law, a U.S. citizen may bring an immigrant child they have adopted to the United States if the child is under the age of 16. This bill would allow U.S. citizens to adopt immigrant children ages 16–17 if the adoption would keep a group of siblings together.

Mr. President, I agree with Mr. HORN's conclusion that family unity is a frequently cited goal of our immigration policy, and this proposal would promote that goal. Under current law, if children are adopted by U.S. citizens and the oldest sibling is 16 or 17, the oldest sibling cannot come to the United States with his or her brothers and sisters under current law. It seems clear to me that siblings of these young ages ought not to be separated.

Further, foreign adoption authorities in some cases do not allow the separation of siblings. In such cases, if a U.S. citizen wanted to adopt a group of siblings and one of them is 16 or older, the citizen would lose the opportunity to adopt any of them under current law.

As Mr. HORN's analysis of the consequences of this bill confirm, this bill is unlikely to cause a significant increase in immigration levels overall. During fiscal year 1996, a total a 351

immigrant orphans older than age 9 were adopted by U.S. citizens, out of 11,316 immigrant orphans adopted by U.S. citizens overall that year.

I thank Congressman HORN for his leadership in this issue. I certainly hope that we can act of this measure before we adjourn.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1753

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

SECTION 1. PROVIDING THAT AN ADOPTED ALIEN WHO IS LESS THAN 18 YEARS OF AGE MAY BE CONSIDERED A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT IF ADOPTED WITH OR AFTER A SIBLING WHO IS A CHILD UNDER SUCH ACT.

(a) IN GENERAL.—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) in subparagraph (E)—

(A) by inserting ''(i)'' after ''(E)''; and

(B) by adding at the end the following:

''(ii) subject to the same proviso as in clause (i), a child who (I) is a natural sibling of a child described in clause (i) or subparagraph (F)(i); (II) was adopted by the adoptive parent or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child was adopted while under the age of eighteen years; or''; and

(2) in subparagraph (F)—

(A) by inserting ''(i) after ''(F)'';

(B) by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(ii) subject to the same provisos as in clause (i), a child who (I) is a natural sibling of a child described in clause (i) or subparagraph (E)(i); (II) has been adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child is under the age of eighteen at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 201(b).''.

(b) CONFORMING AMENDMENTS RELATING TO NATURALIZATION.—

(1) DEFINITION OF CHILD.—Section 101(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by striking ''sixteen years,'' and inserting ''sixteen years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1)),''.

(2) CERTIFICATE OF CITIZENSHIP.—Section 322(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1433(a)(4)) is amended—

(A) by striking ''16 years'' and inserting ''16 years (except to the extent that the child is described in clause (ii) of subparagraph (E) or (F) of section 101(b)(1))''; and

(B) by striking ''subparagraph (E) or (F) of section 101(b)(1).'' and inserting ''either of such subparagraphs.''.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1754. A bill entitled ''Denying Safe Havens to International and War Criminals Act of 1999; to the Committee on the Judiciary.

DENYING SAFE HAVENS TO INTERNATIONAL AND WAR CRIMINALS ACT OF 1999

Mr. HATCH. Mr. President. I rise today to introduce, along with Senator LEAHY of Vermont, a bill titled ''Denying Safe Havens to International and War Criminals Act of 1999.'' This is an important measure that I hope can move promptly through the Senate Judiciary Committee and through the Senate. The provisions contained in this bill are crucial in combating crime internationally. I believe that it will give law enforcement critical tools in more effectively pursuing fugitives and ware criminals.

I thank my ranking member for his work on this matter. This bill incorporates in title III, his own bill dealing with war criminals and it is an important component of this legislation.

I ask unanimous consent to include the text of the bill in the RECORD.

[Data not available at time of printing.]

Mr. LEAHY. Mr. President, I am pleased to introduce today with Senator HATCH a bill to give United States law enforcement agencies important tools to help them combat international crime. The ''Denying Safe Haven to International and War Criminals Act of 1999'' contains a number of provisions that I have long supported.

Unfortunately, crime and terrorism directed at Americans and American interests abroad are part of our modern reality. Furthermore, organized criminal activity does not recognize national boundaries. With improvements in technology, criminals now can move about the world with ease. They can transfer funds with the push of a button, or use computers and credit card numbers to steal from American citizens and businesses from any spot on the globe. They can strike at Americans here and abroad. They can commit crimes abroad and flee quickly to another jurisdiction or country. The playing field keeps changing, and we need to change with it.

This bill would help make needed modifications in our laws, not with sweeping changes but with thoughtful provisions carefully targeted at specific problems faced by law enforcement. We cannot stop international crime without international cooperation, and this bill gives additional tools to investigators and prosecutors to promote such cooperation, while narrowing the room for maneuver that international criminals and terrorists now enjoy.

I initially introduced title I, section 4 of this bill, regarding fugitive disentitlement, on April 30, 1998, in the ''Money Laundering Enforcement and Combating Drugs in Prisons Act of 1998,'' S. 2011, with Senators DASCHLE, KOHL, FEINSTEIN and CLELAND. Again, on July 14, 1998, I introduced with Senator BIDEN, on behalf of the Administration, the ''International Crime Control Act of 1998,'' S. 2303, which contains most of the provisions set forth in this bill. Virtually all of the provisions in the bill were also included in another major anti-crime bill, the ''Safe Schools, Safe Streets, and Secure Borders Act of 1998,'' S. 2484, that I introduced on September 16, 1998, along with Senators DASCHLE, BIDEN, Moseley-Braun, KENNEDY, KERRY, LAUTENBERG, MIKULSKI, BINGAMAN, REID, MURRAY, DORGAN, and TORRICELLI. In addition, Senator HATCH and I included title II, section 1 of this bill regarding streamlined procedures for MLAT requests in our ''International Crime and Anti-Terrorism Amendments of 1998'', S. 2536, which passed the Senate last October 15, 1998.

We have drawn from these more comprehensive bills a set of discrete improvements that enjoy bipartisan support so that important provisions may be enacted promptly. Each of these provisions has been a law enforcement priority.

Title I sets forth important proposals for combating international crime and denying safe havens to international criminals. In particular, section 1 would provide for extradition under certain circumstances for offenses not covered in a treaty. Treaties negotiated many years ago specified the crimes for which extradition would be allowed. Developments in criminal activity, however, have outpaced the ability of countries to renegotiate treaties to include newly developing criminal activity. Under the bill, extradition would nevertheless proceed as if the crime were covered by a treaty for ''serious offenses,'' which are defined to include crimes of violence, drug crimes, bribery of public officials, obstruction of justice, money laundering, fraud or theft involving over $100,000, counterfeiting over $100,000, a conspiracy to commit any of these crimes, and sex crimes involving children. The section sets forth detailed procedures and safeguards for proceeding with extradition under these circumstances.

Section 2 contains technical and conforming amendments.

Section 3 would give the Attorney General authority to transfer a person in custody in the United States to a foreign country to stand trial where the Attorney General, in consultation with the Secretary of State, determines that such transfer would be consistent with the international obligations of the United States. The section also allows for the transfer of a person in state custody in the United States to a foreign country to stand trial after a similar determination by the Attorney General and the consent of the State authorities. Similarly, the Attorney General is authorized to request the temporary transfer of a person in custody in a foreign country to face

prosecution in a federal or state proceeding.

Section 4 is designed to stop drug kingpins, terrorists and other international fugitives from using our courts to fight to keep the proceeds of the very crimes for which they are wanted. Criminals should not be able to use our courts at the same time they are evading our laws.

Section 5 would permit the transfer of prisoners to their home country to serve their sentences, on a case-by-case basis, where such transfer is provided by treaty. Under this section, the prisoner need not consent to the transfer.

Section 6 would provide a statutory basis for holding and transferring prisoners who are sent from one foreign country to another through United States airports, preventing them from claiming asylum while they are temporarily in the United States.

Title II of the bill is designed to promote global cooperation in the fight against international crime. Specifically, section 1 would permit United States courts involved in multi-district litigation to enforce mutual legal assistance treaties and other agreements to execute foreign requests for assistance in criminal matters in all districts involved in the litigation.

Section 2 outlines procedures for the temporary transfer of incarcerated witnesses. Specifically, the bill would permit the United States, as a matter of reciprocity, to send persons in custody in the United States to a foreign country and to receive foreign prisoners to testify in judicial proceedings, with the consent of the prisoner and, where applicable, the State holding the prisoner. A transfer may not create a platform for an application for asylum or other legal proceeding in the United States. Decisions of the Attorney General respecting such transfers are to be made in conjunction with the Secretary of State.

Title III of the bill is the ''Anti-Atrocity Alien Deportation Act,'' S. 1235, which I introduced on July 15, 1999, with Senator KOHL and is cosponsored by Senator LIEBERMAN. This bill has also been introduced in the House with bipartisan support as H.R. 2642 and H.R. 3058. This title of the bill would amend the Immigration and Nationality Act to expand the grounds for inadmissibility and deportation to cover aliens who have engaged in acts of torture abroad. ''Torture'' is already defined in the Federal criminal code, 18 U.S.C. § 2340, in a law passed as part of the implementing legislation for the ''Convention Against Torture.'' Under this Convention, the United States has an affirmative duty to prosecute torturers within its boundaries regardless of their respective nationalities. 18 U.S.C. § 2340A (1994).

This legislation would also provide statutory authorization for OSI, which currently owes its existence to an Attorney General order, and would expand its jurisdiction to authorize investigations, prosecutions, and removal of any alien who participated in torture and genocide abroad—not just Nazis. The success of OSI in hunting Nazi war criminals demonstrates the effectiveness of centralized resources and expertise in these cases. OSI has worked, and it is time to update its mission. The knowledge of the people, politics and pathologies of particular regimes engaged in genocide and human rights abuses is often necessary for effective prosecutions of these cases and may best be accomplished by the concentrated efforts of a single office, rather than in piecemeal litigation around the country or in offices that have more diverse missions.

Unquestionably, the need to bring Nazi war criminals to justice remains a matter of great importance. Funds would not be diverted from the OSI's current mission. Additional resources are authorized in the bill for OSI's expanded duties.

These are important provisions that I have advocated for some time. They are helpful, solid law enforcement provisions. I thank my friend from Utah, Senator HATCH, for his help in making this bill a reality. Working together, we were able to craft a bipartisan bill that will accomplish what all of us want, to make America a safer and more secure place.

I ask that the attached sectional analysis of the bill be printed in the RECORD.

The summary follows:

DENYING SAFE HAVENS TO INTERNATIONAL AND WAR CRIMINALS ACT OF 1999—SECTION BY SECTION ANALYSIS

TITLE I—DENYING SAFE HAVENS TO INTERNATIONAL CRIMINALS

Section 1. Extradition for Offenses Not Covered by a List Treaty

This section allows the Attorney General to seek extradition of a person for specified crimes not covered by a treaty. Treaties negotiated many years ago specified the crimes for which extradition would be allowed, and developments in criminal activity have outpaced the ability of countries to renegotiate treaties to include newly developing criminal activity. Extradition would proceed as if the crime were covered by treaty, and the section sets forth detailed procedures and safeguards. Applicable crimes include crimes of violence, drug crimes, obstruction of justice, money laundering, fraud or theft involving over $100,000, counterfeiting over $100,000, conspiracy to commit any of these crimes, and sex crimes involving children.

Section 2. Technical and Conforming Amendments

This section amends related statutes to conform with Section 1.

Section 3. Temporary Transfer of Persons in Custody for Prosecution

This section allows a temporary transfer of a person from another country to the United States to stand trial where the Attorney General, in consultation with the Secretary of State determines that such transfer would be consistent with the international obligations of the United States. The section also allows for the transfer of a person in custody in the United States to a foreign country to stand trial after a similar determination by the Attorney General.

Section 4. Prohibiting Fugitives From Benefiting From Fugitive Status

This section adds a new section 2466 (Fugitive Disentitlement) to Title 28 to provide that a person cannot stay outside the United States, avoiding extradition, and at the same time participate as a party in a civil action over a related civil forfeiture claim. The Supreme Court recently decided that a previous judge-made rule to the same effect required a statutory basis. This section provides that basis.

Section 5. Transfer of Foreign Person to Serve Sentences in Country of Origin

This section permits transfer, on a case-by-case basis, of prisoners to their home country where such transfer is provided by treaty. Under this section the prisoner need not consent to the transfer.

Section 6. Transit of Fugitives for Prosecution in Foreign Countries

This section would provide a statutory basis for holding and transferring prisoners who are sent from one foreign country to another through United States airports, at the discretion of the Attorney General. The temporary presence in the United States would not be the basis for a claim for asylum.

TITLE II—PROMOTING GLOBAL COOPERATION IN THE FIGHT AGAINST INTERNATIONAL CRIME

Section 1. Streamlined Procedures for Execution of MLAT Requests

This section permits United States courts involved in multi-district litigation to enforce mutual legal assistance treaties and other agreements to execute foreign requests for assistance in criminal matters in all districts involved in the litigation or request.

Section 2. Temporary Transfer of Incarcerated Witnesses

This section permits the United States, as a matter of reciprocity, to send persons in custody in the United States to a foreign country and to receive foreign prisoners to testify in judicial proceedings, with the consent of the prisoner and, where applicable, the State holding the prisoner. A transfer may not create a platform for an application for asylum or other legal proceeding in the United States. Decisions of the Attorney General respecting such transfers are to be made in conjunction with the Secretary of State.

TITLE III—ANTI-ATROCITY ALIEN DEPORTATION

Section 1. Inadmissibility and Removability of Aliens Who Have Committed Acts of Torture Abroad

Currently, the Immigration and Nationality Act provides that (i) participants in Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, and (ii) aliens who engaged in genocide, are inadmissible to the United States and deportable. *See* 8 U.S.C. §1182(a)(3)(E)(i) and §1227(a)(4)(D). The bill would amend these sections of the Immigration and Nationality Act by expanding the grounds for inadmissibility and deportation to cover aliens who have engaged in acts of torture abroad. The United Nations' ''Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment'' entered into force with respect to the United States on November 20, 1994. This Convention, and the implementing legislation, the Torture Victims Protection Act, 18 U.S.C. §§2340 *et seq.*,

includes the definition of ''torture'' incorporated in the bill and imposed an affirmative duty on the United States to prosecute torturers within its jurisdiction.

Section 2. Establishment of the Office of Special Investigations

Attorney General Civiletti established OSI in 1979 within the Criminal Division of the Department of Justice, consolidating within it all ''investigative and litigation activities involving individuals, who prior to and during World War II, under the supervision of or in association with the Nazi government of Germany, its allies, and other affiliated [sic] governments, are alleged to have ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion.'' (Attorney Gen. Order No. 851–79). The OSI's mission continues to be limited by that Attorney General Order.

This section would amend the Immigration and Nationality Act, 8 U.S.C. §1103, by directing the Attorney General to establish an Office of Special Investigations within the Department of Justice with authorization to investigate, remove, denaturalize, or prosecute any alien who has participated in torture or genocide abroad. This would expand OSI's current authorized mission. Additional funds are authorized for these expanded duties to ensure that OSI fulfills its continuing obligations regarding Nazi war criminals.

By Mr. BROWNBACK (for himself and Mr. DORGAN):

S. 1755. A bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones; to the Committee on Commerce, Science, and Transportation.

THE MOBILE TELECOMMUNICATIONS SOURCING ACT

Mr. BROWNBACK. Mr. President, I rise today to introduce, on behalf of myself and Senator DORGAN, the Mobile Telecommunications Sourcing Act of 1999. This legislation is the product of more than a year's worth of negotiations between the Governors, cities, State tax and local tax authorities, and the wireless industry.

The legislation represents an historic agreement between State and local governments and the wireless industry to bring sanity to the manner in which wireless telecommunications services are taxed.

For as long as we have had wireless telecommunications in this country, we have had a taxation system that is incredibly complex for carriers and costly for consumers. Today, there are several different methodologies that determine whether a taxing jurisdiction may tax a wireless call.

If a call originates at a cell site located in a jurisdiction, it may impose a tax. If a call originates at a switch in the jurisdiction, a tax may be imposed. And if the billing address is in the jurisdiction, a tax can be imposed.

As a result, many different taxing authorities can tax the same wireless call. The farther you travel during a call, the greater the number of taxes that can be imposed upon it.

This system is simply not sustainable as wireless calls represent an increasing portion of the total number of calls made throughout the United States. To reduce the cost of making wireless calls, Senator DORGAN and I are introducing this legislation.

The legislation would create a nationwide, uniform system for the taxation of wireless calls. The only jurisdictions that would have the authority to tax mobile calls would be the taxing authorities of the customer's place of primary use, which would essentially be the customer's home or office.

By creating this uniform system, Congress would be greatly simplifying the taxation and billing of wireless calls. The wireless industry would not have to keep track of countless tax laws for each wireless transaction. State and local taxing authorities would be relieved of burdensome audit and oversight responsibilities without losing the authority to tax wireless calls. And, most importantly, consumers would see reduced wireless rates and fewer billing headaches.

The Mobile Telecommunications Sourcing Act is a win-win-win. It's a win for industry, a win for government, and a win for consumers. I thank Senator DORGAN for working with me in crafting this bill. And, most of all, I thank government and industry for coming together and reaching agreement on this important issue.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

[Data not available at time of printing.]

● Mr. DORGAN. Mr. President, today my colleague Senator BROWNBACK and I are introducing legislation that is designed to address a highly complex issue with respect the taxation of mobile telecommunications service. Although the issue is complex, the solution has a simple goal: to create a reliable and uniform method of taxation on wireless telecommunications services that works best for consumers.

Currently, the mobility of wireless telecommunications services makes the taxation by state and local jurisdictions a complicated and expensive task for carriers and consumers because questions arise as to whether the tax is levied in the location in which the call is placed or where the user resides. Because this situation is difficult to monitor, state and local jurisdictions the prospects of non-compliance and double taxation are also of concern. For example, a person driving between Baltimore, Maryland and Philadelphia, Pennsylvania can pass through 12 separate state and local taxing jurisdictions. In the two hours it would take someone to make that 100 mile drive, several phone calls could be made under a cloud of tax ambiguity that works for no one, not the consumer, not the carrier, and not the taxing jurisdictions. This scenario presents us with challenge to the traditional method of taxation in the face of the growing popularity of mobile communications systems. It is a case that needs to be changed.

The Mobile Telecommunications Sourcing Act is, in itself, an achievement. This legislation was developed through 3 years of dedicated, good faith negotiations between the industry and state and local government organizations. Rather than allow an unworkable situation to continue unresolved and rather than ignite a polemical political debate over a special interest solution, the industry and several state and local government organizations sat down and worked out a solution that satisfies all the stake holders. I extend my congratulations and gratitude to the leaders and staff members of the organizations that participated in the development of this consensus legislation.

Under this legislation, a consumer's primary place of residence would be designated as the taxing jurisdiction for the purposes of taxing roaming and other charges that are subject to state and local taxation. This legislation does not impose any new taxes nor does it change the authority of state and local governments to tax wireless services. It does, however, provide consumers with simplified billing, reduce the chances of double taxation, preserve the authority of state and local jurisdictions to tax wireless services, and reduce the costs of tax administration for carriers and governments. In the end, the consumer will benefit through this tax clarification legislation that is badly needed.

As many of my colleagues in the Senate know, I have been involved in many battles over the years where state and local governments have attempted to preserve their taxation authority as Congress has sought to preempt that authority on behalf of some special interest. I am very pleased to be in a position today to sponsor legislation which addresses a legitimate need to clarify and simplify state and local taxation in a manner that works for consumers, industry, and state and local governments alike.

I also want to express my gratitude to my colleague Senator BROWNBACK for his work on this measure. I hope that our colleagues will take note that Senator BROWNBACK and I stand together on this consensus, bipartisan legislation and join us to advance this bill expeditiously.●

By Mr. BINGAMAN (for himself and Mrs. MURRAY):

S. 1756. A bill to enhance the ability of the National Laboratories to meet Department of Energy missions and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I'm pleased to be joined by Senator MURRAY in introducing the ''National Laboratories Partnership Improvement Act of 1999''. This bill will make it easier for our national labs to collaborate and build strong technical relationships with other technical organizations, particularly universities and companies right near the labs. That will yield two major benefits. It will improve the labs' ability to do their missions, and it will promote high tech economic growth around the labs, thus, helping the labs as it helps the labs' communities.

Many of you know that making it easier to work with our national labs is a cause I've pursued for many years. And we've made solid progress. The labs are now involved in an array of technical collaborations, usually under cooperative research and development agreements or CRADAs, that would have been impossible a decade ago. In 1989, there were no CRADAs with the Department of Energy's national labs; in 1998, the number was over 800.

So, we've come a long way. But there's still work to be done. It's still not as easy to collaborate with the national labs as it should be, nor are collaborations as common as they need to be to keep our labs on the cutting edge of science and technology. This legislation takes the next steps in that direction.

There are three fundamental ideas running through this bill. The first is that scientific and technical collaboration with the national labs is good for our economy and essential to the future of the labs. The labs will be unable to succeed in their missions unless they can easily work with other technical institutions. Why? Because that's where the bulk of cutting edge technology is today. Consider the following. Real federal spending on R&D peaked in 1987, but from 1987 to 1997, national R&D grew by 20%. The federal government was responsible for none of that growth, and now accounts for only about a quarter of national R&D spending. In the same period, industrial R&D grew by over 50% and accounted for around 95% of the growth in national R&D. As Nobel laureate Dr. Burt Richter stated during his testimony on DOE's reorganization, ''All of the science needed for stockpile stewardship in not in the weapons labs.'' That's why I was so concerned with the ability of the labs to collaborate during the reorganization debate.

I emphasize how collaboration helps the labs because it's a point that's often missed in our discussions of tech transfer, CRADAs, and other such things. When legislation making it easier to work with the labs was passed in 1989, we were in the midst of a ''competitiveness crisis'' and looking for ways to use technology to improve our economic performance. After all, innovation is responsible for 50% or more of our long term economic growth. With these roots, people usually focus on how collaborating with the labs helps US industry by giving it access to a treasure trove of technology and expertise. For example, over a 100 new companies were started around DOE technology in the last four years. And, the fact that industry has been collaborating with the labs and recently paying for a greater share of those partnerships is good evidence that its getting something of value. The economic benefits from these collaborations are real and a primary reason I've pushed them for many years.

But the benefits back to the labs are real too. A recent letter from Los Alamos to me stated, ''Working with industry has validated our ability to predict . . . changes in materials . . ., improved our ability to manufacture . . . replacement parts with greater precision and lower cost, and enhanced our ability to assure the safety and reliability of the stockpile without testing.''

As an example, Sandia's collaboration with Goodyear Tire has helped Goodyear produce computer simulations of tires—an extremely complex problem—and helped Sandia improve its modeling and production of neutron generators, a critical component of nuclear weapons. Technical collaborations with our labs that have a clear mission focus by the lab and a clear business focus by the company are good for our economy and good for the labs' missions.

The second fundamental idea flows from the first. If collaborations with the labs are beneficial, we should keep working to make them better, faster, and more flexible—much like the collaborations we see sprouting throughout the private sector. Hence, this bill includes provisions to:

Establish a small business advocate at the labs charged with increasing small business participation in lab procurement and collaborative research;

Establish a technology partnership ombudsman at the labs to ensure that the labs are known as good faith partners in their technical relationships;

Authorize DOE to use a very flexible contracting authority called ''other transactions,'' which was successfully pioneered by the Defense Advanced Research Projects Agency to manage some of its collaborative projects in innovative ways; and

Significantly streamline the CRADA approval process for government owned, contractor operated laboratories like Sandia, allowing the labs to handle more of the routine CRADAs themselves, and allowing more flexibility in the negotiation of intellectual property rights—all to make CRADA's more attractive to industry.

The third fundamental idea that runs through this bill is that if collaboration is important to our economy and to the success of the labs, then the local technical institutions near the lab—the universities and companies that might work with the lab—matter a great deal. We know that the environment inside an institution, how it's managed, will help determine how innovative it is. Managing innovation is more art than science, and that's why people are always visiting places like 3M.

Well, just as the internal environment affects how innovative an organization is, its external environment, the organizations near it that might collaborate with it, also help determine how innovative it is. When the technical institutions in a region form a high quality, dynamic network, they can meld into what's been called a ''technology cluster'' that dramatically boosts innovation and economic growth throughout the region. We see this most famously in places like Silicon Valley, or Route 128, or Austin, TX. In most of these places, there is a large research university that serves as the anchor innovator seeding the cluster.

With that phenomenon in mind, this bill seeks to harness the power of technology clusters for the benefit of the labs' missions and the labs' communities, with the labs as the anchor innovator. The bill authorizes the labs to work with their local communities to foster commercially oriented technology clusters that will help them do their job. Projects under this ''Regional Technology Infrastructure Program'' would be cost shared partnerships between a lab and nearby organizations with the clear potential to help the lab achieve its mission, leverage commercial technology, and commercialize lab technology. This is not about outsourcing a lab's functions, but about promoting technical capabilities near the lab that are commercially viable and useful to the lab. Thus, the lab gets highly competent collaborators nearby and the region gets high tech economic growth.

Let me give an example. Imagine a lab that does research in optics that has optics companies nearby. The lab and the companies discover they both need better training for their machinists and skilled workers. So they agree to set up and share the cost of an advanced training program for their workers at the local community college. This is good for the workers, good for the companies, good for the lab. Other types of projects this program might fund include:

Local economic surveys and strategic planning efforts;

Technology roadmaps for local industry;

Personnel exchanges among local universities, firms, and the lab;

Lab based small business incubators or research parks; and

Joint research programs between a group of local firms and the lab.

We have some real life examples of this kind of thinking in the research parks Sandia and Los Alamos are setting up to collaborate with industry and promote economic growth. And Argonne, Idaho National Engineering and Environmental Laboratory, and Sandia have programs to link their technology with venture capital, to get it into the marketplace, which can only help advance the lab's mission. This bill will encourage the labs to systematically experiment with more projects like those.

Now, some might think that the Internet will make proximity irrelevant to collaboration. But that's not the case, as simple observation of Silicon Valley shows; it's not been dissipating, it's been growing. Close collaboration will remain easier among close neighbors, because it partly depends on people who know each other and are rooted in a community—which is why one provision of this bill is a study on how to ease employee mobility between the labs and nearby technical organizations. The Internet complements and strengthens collaborations, but is not a complete substitute for having collaborators nearby. Thus, even as the Internet grows in influence, it will still make sense to harness the power of technology clusters to help our labs do their jobs and to promote high tech economic growth in their communities.

Mr. President, for many years I've pushed for and supported efforts to make it easier for our national labs to work with industry, universities, and other institutions. I've done this because I think it's good for the science and security missions of our labs, good for our economy, and good for my home state of New Mexico. I think this bill is a comprehensive package that will yield more of those benefits, and I urge my colleagues to join me in supporting it.

Mr. President, I ask unanimous consent that the text of the bill, a summary, and letters of support for this bill from the Technology Industries Association of New Mexico and the City of Albuquerque be printed in the RECORD.

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

[The text of the bill was not available for printing.]

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 1999

SUMMARY

The National Laboratories Partnership Improvement Act of 1999 will build stronger technical relationships between the Department of Energy's national laboratories and other institutions, particularly those near the labs. These relationships will help the labs achieve their missions by leveraging the scientific and technical resources of the private sector and universities and will also promote high tech economic growth around the labs.

BACKGROUND/DISCUSSION

More and more of our nation's innovation occurs outside the federal sector. Since 1987, around 95% of the real growth in our national R&D has come from the private sector, and none from the federal government. Industry now funds almost 70% of our national R&D.

Scientific and technical collaborations between our national labs and other technical institutions improve the lab's access to the huge pool of science, technology, and talent outside their gates. Technical collaboration with the national labs is both good for the companies that do it and essential for keeping the labs on the cutting edge of research.

This bill takes the next step in making it easier for our national laboratories to work with other institutions. In addition to improving the CRADA process, the bill also focuses on improving the ''regional technology infrastructure'' around the labs. This refers to things like the companies, universities, labor force, and non-profit organizations near a lab that are not formally part of it but that nonetheless contribute to its technical success.

Places like Silicon Valley show that when these technical institutions form a high quality, dynamic network, they can develop into a ''technology cluster'' that dramatically improves innovation and economic growth throughout a region. This bill will promote the development of technology clusters around the national labs both to help the labs harness the power of technology clusters to achieve their missions and to stimulate high tech economic growth around the labs.

SECTION BY SECTION DESCRIPTION

Sec. 1–3—Titles, findings, and definitions.

Sec. 4—*Regional Technology Infrastructure Program*—Authorizes the Department of Energy to promote the development of technology clusters around the national labs that will help them achieve their missions. The idea is to foster commercially oriented, dynamic networks of local institutions, broadly analogous to that in Silicon Valley, that will improve innovation and economic growth around the labs—thereby helping the labs as they help the labs' communities. Projects under this program will be competitively selected, cost shared partnerships between a lab and nearby organizations. Projects with the clear potential to help a lab achieve its mission, leverage commercial innovation, and commercialize lab technology will be selected. The program begins with $1M of funding at each of the nine, large multiprogram labs. Examples of the kinds of projects that might be funded are: local economic surveys and strategic planning efforts; technology roadmaps for local industry; personnel exchanges and specialized workforce training programs among local universities, firms, and the lab; lab based small business incubators or research parks; and joint research programs between a group of local firms and the lab.

Sec. 5—*Small Business Advocacy and Assistance*—Establishes a Small Business Advocate charged with increasing small businesses' participation in procurements and collaborative research at each of the nine, large multiprogram labs. Authorizes the labs to give small businesses advice to make them better suppliers and general technical assistance. For example, a lab could point them to venture capitalists or technical partners that would strengthen their ability to work for the lab. Or, a small business could get technical advice from a lab on how to fix a product design problem. Complements Sec. 4, but is focused directly on small businesses.

Sec. 6—*Technology Partnership Ombudsman*—Establishes an ombudsman at the nine, large multiprogram labs to quickly and inexpensively resolve complaints or disputes with the labs over technology partnerships, patents, and licensing.

Sec. 7—*Mobility of Technical Personnel*—Requires DOE to remove any disincentives to technical personnel moving among the national labs. Creates a study to recommend how to ease the movement of technical personnel between the labs and nearby industry with the long term goal of promoting startups and stronger networks of technical collaboration near the labs.

Sec. 8—*Other Transactions*—Standard government contracts, grants, or cooperative agreements can be ill-suited to collaborative projects that have a variety of actors and equities. This section gives DOE ''other transactions,'' an exceptionally flexible contracting authority that allows a ''clean sheet of paper'' negotiation with non-federal organizations. Other transactions were successfully pioneered by the Defense Advance Research Projects Agency to manage many of its innovative relationships with industry; more recently they've been adopted by the military services and Department of Transportation.

Sec. 9—*Amendments to the Stevenson-Wydler Act*—The current law governing CRADAs can make them slower to negotiate and less attractive to industry than they should be. This section amends that law to make the negotiation process faster, more flexible, and more attractive to industry. More specifically, this section: shortens the time federal agencies have to review, modify, and approve CRADAs with government owned, contractor operated (GOCO) labs, making it the same as that for government owned, government operated labs; allows more negotiation over the allocation of intellectual property rights developed under a CRADA; and allows federal agencies to permit routine CRADAs to be simply handled by a GOCO lab by eliminating extra steps now required for CRADA with them.

TECHNOLOGY INDUSTRIES
ASSOCIATION OF NEW MEXICO,
Albuquerque, NM, October 13, 1999.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the board of directors of the Technology Industries Association of New Mexico (TIA), I am sending this letter to express our support of legislation you are introducing, the National Laboratories Partnership Improvement Act of 1999.

Members of our organization are well aware of the benefits that already have occurred via the ''technology transfer'' process begun with the Stevenson-Wydler Act of 1980 and continuing since with various improvements and changes to the original measure. Although most of the member companies in TIA do not engage in direct sales to or contracting with the Federal government or military a number of these companies have benefited due to the technology transfer process.

At least one of our TIA members was created as a spin-off of Sandia National Laboratories. Some of the larger multinational companies with divisions in New Mexico have benefited via CRADA arrangements. And some of our other smaller member companies have been greatly aided through the

simple but effective mechanism of the technology assistance program run by Sandia.

After reviewing draft versions of your proposed legislation, we particularly like two features:

The provision that the national laboratories can link with private companies, rather than the other way around. We think this is important, because, as much as private companies can and have been aided via access to the vast R&D capabilities of the national labs, it is also important that the government institutions learn from private companies those skills necessary to succeed in the intensely competitive international free-market economies.

The section which promotes the development of technology clusters in the local economies where national laboratories are located. This strategic approach to economic development is beginning to emerge in central New Mexico with the help of your office and others. We think the development of technology clusters provides a focus for issues and for building vertical infrastructure that often has been lacking in the previous well-meaning, but scattergun approach to economic development.

TIA thanks you for your effort and is hopeful the legislation will be enacted.

Sincerely,

JOHN P. JEKOWSKI,
President.

CITY OF ALBUQUERQUE,
Albuquerque, NM, October 13, 1999.

JEFF BINGAMAN,
U.S. Senator, Hart Building,
Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the citizens of Albuquerque, I want to state my strong support of your proposed legislation, ''The National Laboratories Partnership Improvement Act of 1999.'' For the past 50 years the synergy among our scientific, civic, and educational communities and the Department of Energy's national laboratories has helped to build and enhance our modern city. While we welcome these working partnerships, we recognize that stronger technical relationships between the labs, private businesses, and other nearby institutions are needed to leverage additional resources, both public and private, and promote high tech economic growth at the local, regional, and national levels.

Your leadership in the past and your thorough understanding of the complex issues involving tech transfer has deeply benefited Albuquerque's economic diversification, job growth, and stability. This legislation provides an important and timely framework for the future, and we look forward to working with you and your staff in whatever way necessary to implement it. To this end, we would hope that monies generated by the legislation might come directly to the community, and not go to existing or proposed lab tech transfer programs. This will enable our business, institutional and civic leadership to develop the infrastructure required by this well-crafted, thoughtful, and far-reaching proposal.

Sincerely,

JIM BACA,
Mayor.

By Mr. COVERDELL (for himself, Mr. DEWINE, and Mr. GRASSLEY):

S. 1758. A bill to authorize urgent support for Colombia and front line states to secure peace and the rule of law, to enhance the effectiveness of anti-drug efforts that are essential to impending the flow of deadly cocaine and heroin from Colombia to the United States, and for other purposes; to the Committee on Foreign Relations.

Mr. DEWINE. Mr. President, the current situation in Colombia is a nightmare. Embroiled in a bloody, complex, three decade-long civil war, Colombia is spiraling toward collapse. Since the early 1990s, more than 35,000 Colombians have lost their lives at the hands of two well-financed, heavily-armed guerrilla insurgency groups, along with a competing band of ruthless paramilitary operatives, hell bent on crushing the group of leftist guerrillas. Sadly, many of those killed so far have been innocent civilians caught in the constant cross-fire.

The American drug habit is at the core of the Colombian crisis, with drug users and pushers in this country subsidizing the anti-democratic leftists. Americans want drugs. The drug traffickers want money. To ensure their prosperity and to maintain a profitable industry, the traffickers essentially hire the guerrillas and, increasingly, the paramilitary groups to protect their livelihoods. Violence and instability reign. Democracy is crumbling.

That's why, Mr. President, today, along with my colleague Senator COVERDELL, we are introducing the Anti-Drug Alliance with Colombia and the Andean Region Act of 1999. This comprehensive bill is designed to promote peace and stability in Colombia and the Latin American region. Our colleague, Senator GRASSLEY also joins us as a co-sponsor. We believe it is time that our government work in conjunction with the government and the people of Colombia to help lessen the growing crisis in the region.

The problems in Colombia run deep. There are no easy ''overnight'' solutions. If we are to assist in creating and sustaining long-term stability in Colombia, we must commit the resources to achieving that end. It is in our national interest to support Colombia in its effort to thwart further destabilization. Without a strong Colombia, narco-traffickers will flourish, an abundant and steady flow of illicit drugs will head for the United States, one of our largest export markets in the western hemisphere will continue to falter, and a democratic government will further erode.

Just a couple of weeks ago, I met with Colombian President Pastrana during his visit to Washington. We discussed how our two countries can work together—in cooperation—to eliminate drugs from our hemisphere and to begin restoring democracy and the rule of law in Colombia.

For more than three decades, the Revolutionary Armed Forces of Colombia, otherwise known as the FARC, and the National Liberation Army (ELN) have waged the longest-running guerrilla insurgency in Latin America. Both rebel groups have a combined strength of between 15,000 and 20,000 full-time guerrillas. These armed terrorists control or influence up to 60% of rural Colombia. At present, the Colombian military does not appear to have the strength and resources to counter these menacing forces.

Well over a decade ago, the biggest threat to stability from within our hemisphere was communism—Soviet and Cuban communists pushing their anti-democratic propaganda in Central America. We overcame that threat. Under the Reagan and Bush Administrations, Democracy prevailed. Today, in our hemisphere, the communists have been replaced by drug traffickers and the rebels they hire to protect their lucrative industry. These drug traffickers also are financing the roughly 5,000 armed paramilitary combatants, whose self-appointed mission is to counter the strength of the leftist guerrillas. If we hope to have any impact at all in eliminating the drugs in our cities, in our schools, and in our homes, we need to attack drug trafficking head on—here and abroad. This is how we can help both the people of Colombia and the people of our own country.

With the help of my colleagues, Senators PAUL COVERDELL, BOB GRAHAM and CHARLES GRASSLEY, last year we passed the Western Hemisphere Drug Elimination Act. This was a much-needed step toward attacking the drug problem at its core. This Act is a $2.7 billion, three-year investment to rebuild our drug fighting capability outside our borders. This law is about reclaiming the federal government's exclusive responsibility to prevent drugs from ever reaching our borders. This law is about building a hemisphere free from the violent and decaying influence of drug traffickers. This is a law about stopping drugs before they ever reach our kids in Ohio.

This bill was necessary because the Clinton Administration, since coming into office, has slashed funding levels for international counter-narcotics efforts. By turning its back for the better part of this decade on the fight against drugs abroad, this Administration has contributed inadvertently to the growing strength of drug trafficking organizations, as well as the narco-terrorists in the region.

If one principle has guided American foreign policy consistently since the dawn of our nation, it is this: The peace and stability of our own hemisphere must come first. That certainly has been the case throughout the last century. The Spanish-American War, the Cuban Missile Crisis, the democratization of Central America in the 1980s, and the North American Free Trade Agreement in the 1990s—all of these key events were approached with

the same premise: A strong, free, and prosperous hemisphere means a strong, free, and prosperous United States.

Consistent with that principle, the United States must take an active role in seeking a peaceful, democratic Colombia. That is why Senator COVERDELL, who just came back from Colombia, and I have developed a comprehensive assistance plan for Colombia. The Alliance Act of 1999 would authorize $1.6 billion over three years to support: 1. Alternative crop and economic development; 2. Drug interdiction programs; 3. Human rights and rule of law programs; and 4. Military and police counter-narcotics operations. Our plan also contains provisions for counter-narcotics assistance and crop alternative development programs for other Latin American countries, including Brazil, Bolivia, Peru, Panama, Venezuela, and Ecuador.

Our plan not only provides the means to eradicate and interdict illicit drugs, but it also provides the training and resources to strengthen both the civilian and military justice systems to preserve the rule of law and democracy in Colombia. A hemispheric commitment to the rule of law is essential. When I visited with Americans living in Colombia during a trip to the region last year, judicial reform was a central focus of our discussion on ways our nation can better assist Colombia. With our plan, our government would take a leadership role in promoting a strong judiciary and rule of law in Colombia by providing our own technical expertise.

Our plan promotes the sanctity of human rights and provides humanitarian assistance to the hundreds of thousands of people who have been displaced due to the violence and instability.

We not only focus on the economy of Colombia, but also on the stability of the region, as a whole. We provide support for the front-line states and call on them and the international community to assist and support the Government of Colombia. This is a cooperative effort to help Colombia begin to help itself.

Our plan would monitor the assistance to the Colombian security forces, so we can be sure that this assistance is used effectively for its intended purpose and does not fall into the hands of those who engage in gross violations of human rights and drug trafficking.

We urge the Colombian government to take a tough stance against the often over-looked paramilitaries. They are a growing part of the problem in Colombia and should not be ignored.

Our plan is comprehensive. Our plan is balanced. It demonstrates our commitment to assisting the Government of Colombia and our interest in working together to bring peace and security to the hemisphere.

Mr. President, this is not an ''America Knows Best'' plan. We consulted with those who are on the front-lines in Colombia—those who know best what Colombia needs right now. We have talked with the Colombian government, including President Pastrana, to inquire about Colombia's specific needs. We also have consulted with U.S. government officials, who have confirmed our belief that a plan for Colombia must be balanced if we hope to address the complex and dangerous elements of the current situation.

Frankly, Mr. President, it is my hope that the Administration will pro-actively work with Congress—and most importantly, Colombia—to turn the tide against those seeking to undermine democracy in the region. We must act now—too much is at risk to wait any longer.

Mr. President, I 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. 1758

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Alliance with Colombia and the Andean Region (ALIANZA) Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to prescribe proactive measures to confront the threat to United States interests of continued instability in Colombia;

(2) to defend constitutional order, the rule of law, and human rights, which will benefit all persons;

(3) to support the democratically elected Government of the Republic of Colombia to secure a firm and lasting end to the armed conflict and lawlessness within its territory, which now costs countless lives, threatens regional security, and undermines effective anti-drug efforts;

(4) to require the President to design and implement an urgent, comprehensive, and adequately funded plan of support for Colombia and its neighbors;

(5) to authorize adequate funds to implement an urgent and comprehensive plan of economic development and anti-drug support for Colombia and the front line states;

(6) to authorize indispensable material, technical, and logistical support to enhance the effectiveness of anti-drug efforts that are essential to impeding the flow of deadly cocaine and heroin from Colombia to the United States; and

(7) to bolster the capacity of the front line states to confront the current destabilizing effects of the Colombia conflict and to resist illicit narcotics trafficking activities that may seek to elude enhanced law enforcement efforts in Colombia.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) The armed conflict and resulting lawlessness in Colombia present a clear and present danger to the security of the front line states, to law enforcement efforts intended to impede the flow of cocaine and

heroin, and, therefore, to the well-being of the people of the United States.

(2) Colombia is a democratic country fighting multiple wars, against the Colombian Revolutionary Armed Forces (FARC), the National Liberation Army (ELN), paramilitary organizations, and international narcotics trafficking kingpins.

(3) With 34 percent of world terrorist acts committed there, Colombia is the world's third most dangerous country in terms of political violence.

(4) Colombia is the world's kidnapping capital of the world with 2,609 kidnappings reported in 1998 and 513 reported in the first three months of 1999.

(5) In 1998 alone, 308,000 Colombians were internally displaced in Colombia. During the last decade, 35,000 Colombians have been killed.

(6) The FARC and the ELN are the two main guerrilla groups that have waged the longest-running anti-government insurgency in Latin America.

(7) The FARC and the ELN engage in systematic extortion through the abduction of United States citizens, have murdered United States citizens, profit from the illegal drug trade, and engage in systematic and indiscriminate crimes, including kidnapping, torture, and murder, against Colombian civilian and security forces.

(8) The FARC and the ELN have targeted United States Government personnel, private United States citizens, and United States business interests.

(9) In March 1999, the FARC murdered three kidnapped United States human rights workers near the international border between Colombia and Venezuela.

(10) The Colombian rebels are estimated to have a combined strength of 10,000 to 20,000 full-time guerrillas, and they have initiated armed action in nearly 700 of the country's 1,073 municipalities and control or influence roughly 60 percent of rural Colombia.

(11) The Government of Colombia has recovered 5,000 new AK–47s from guerrilla caches in 1 month, and the FARC has plotted to use $3,000,000 in funds earned from drug trafficking to buy 30,000 AK–47s.

(12) Although the Colombian Army has 122,000 soldiers, there are no more than 40,000 soldiers available for offensive combat operations.

(13) Colombia faces the threat of an estimated 5,000 armed persons who comprise paramilitary organizations, who engage in lawless acts and undermine the peace process.

(14) Paramilitary organizations profit from the illegal drug trade and engage in systematic and indiscriminate crimes, including extortion, kidnapping, torture, and murder, against Colombian civilians.

(15) The conflict in Colombia is creating instability along its borders with neighboring countries, Ecuador, Panama, Peru, and Venezuela, several of which have deployed forces to their border with Colombia.

(16) Coca production has increased 28 percent in Colombia since 1998, and already 75 percent of the world's cocaine and 75 percent of the heroin seized in the northeast United States is of Colombian origin.

(17) The first 900-soldier Counternarcotics Battalion has been established within the Colombian Army with training and logistical support of the United States military and the Department of State international narcotics and law enforcement program, and it will be ready for deployment in areas of new illicit coca cultivation in southern Colombia by November 1999.

(18) In response to serious human rights abuse allegations by the Colombian military, the Government of Colombia has dismissed alleged abusers and undertaken military reforms, and, while the Colombian military was implicated in 50 percent of human rights violations in 1995, by 1998, the number of incidents attributed to the military plummeted to 4–6 percent.

(19) The Government of Colombia has convicted 240 members of the military and police accused of human rights violations.

(20) In 1998, two-way trade between the United States and Colombia was more than $11,000,000,000, making the United States Colombia's number one trading partner and Colombia the fifth largest market for United States exports in the region.

(21) Colombia is experiencing a historic economic recession, with unemployment rising to approximately 20 percent in 1999 after 40 years of annual economic growth averaging 5 percent per year.

(22) The Colombian judicial system is inefficient and ineffective in bringing to justice those who violate the rule of law.

(23) The FARC continue to press for an exchange of detained rebels, which, if granted, will enable the FARC to increase its manpower in the short term by as many as 4,000 combatants.

(24) The Drug Enforcement Administration has reported that the Colombian irregular forces are involved in drug trafficking and that certain irregular forces leaders have become major drug traffickers.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as provided in section 218, the term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(2) FRONT LINE STATES.—The term ''front line states'' means Bolivia, Brazil, Ecuador, Panama, Peru, and Venezuela.

(3) ILLICIT DRUG TRAFFICKING.—The term ''illicit drug trafficking'' means illicit trafficking in narcotic drugs, psychotropic substances, and other controlled substances (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), as such activities are described by any international narcotics control agreement to which the United States is a signatory, or by the domestic law of the country in whose territory or airspace the interdiction is occurring.

(4) IRREGULAR FORCES.—The term ''irregular forces'' means irregular armed groups engaged in illegal activities, including the Colombia Revolutionary Armed Forces (FARC), the National Liberation Army (ELN), and paramilitary organizations.

TITLE I—UNITED STATES POLICY AND PERSONNEL

SEC. 101. STATEMENT OF POLICY REGARDING SUPPORT FOR DEMOCRACY, PEACE, THE RULE OF LAW, AND HUMAN RIGHTS IN COLOMBIA.

It shall be the policy of the United States—

(1) to support the democratically elected Government of the Republic of Colombia in its efforts to secure a firm and lasting end to the armed conflict and lawlessness within its territory, which now costs countless lives, threatens regional security, and undermines effective anti-drug efforts;

(2) to insist that the Government of Colombia complete urgent reform measures intended to open its economy fully to foreign investment and commerce, particularly in the petroleum industry, as a path toward economic recovery and self-sufficiency;

(3) to promote the protection of human rights in Colombia by conditioning assistance to security forces on respect for all internationally recognized human rights;

(4) to support Colombian authorities in strengthening judicial systems and investigative capabilities to bring to justice any person against whom there exists credible evidence of gross violations of human rights;

(5) to expose the lawlessness and gross human rights violations committed by irregular forces in Colombia; and

(6) to mobilize international support for the democratically elected Government of the Republic of Colombia so that that government can resist making unilateral concessions that undermine the credibility of the peace process.

SEC. 102. REQUIREMENT FOR A COMPREHENSIVE REGIONAL STRATEGY TO SUPPORT COLOMBIA AND THE FRONT LINE STATES.

(a) REPORT REQUIRED.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees and the Caucus on International Narcotics Control of the Senate a report on the current United States policy and strategy regarding United States counternarcotics assistance for Colombia and the front line states.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The primary and second priorities of the United States in its relations with Colombia and the front line states that are the source of most of the illicit narcotics entering the United States.

(2) The actions required of the United States to support and promote such priorities.

(3) A schedule for implementing actions in order to meet such priorities.

(4) The role of the United States in the efforts of the Government of Colombia to deal with illegal drug production in Colombia.

(5) The role of the United States in the efforts of the Government of Colombia to deal with the insurgency in Colombia.

(6) The role of the United States in the efforts of the Government of Colombia to deal with irregular forces in Colombia.

(7) How the strategy with respect to Colombia relates to the United States strategy for the front line states.

(8) How the strategy with respect to Colombia relates to the United States strategy for fulfilling global counternarcotics goals.

(9) A strategy and schedule for providing urgent material, technical, and logistical support to Colombia and the front line states in order to defend the rule of law and to more effectively impede the cultivation, production, transit, and sale of illicit narcotics.

SEC. 103. AVAILABILITY OF FUNDS CONDITIONED ON SUBMISSION OF STRATEGIC PLAN AND APPLICATION OF CONGRESSIONAL NOTIFICATION PROCEDURES.

Funds made available to carry out this Act shall only be made available—

(1) upon submission to Congress by the President of the plan required by section 102; and

(2) in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1).

SEC. 104. LIMITATION ON AVAILABILITY OF FUNDS.

(a) INELIGIBILITY OF UNITS OF SECURITY FORCES FOR ASSISTANCE.—The same restrictions contained in section 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in section 101(d) of division A of Public Law 105–277) and section 8130 of Public Law 105–262 that apply to the availability of funds under those Acts shall apply to the availability of funds under this Act.

(b) ADDITIONAL RESTRICTIONS..—In addition to the application of the restrictions described in subsection (a), those restrictions shall apply with respect to the availability of funds for a unit of the security forces of Colombia if the Secretary of State reports to Congress that credible evidence exists that a member of that unit has provided material support to irregular forces in Colombia or to any criminal narcotics trafficking syndicate that operates in Colombia. The Secretary of State may detail such evidence in a classified annex to any such report, if necessary.

SEC. 105. SENSE OF CONGRESS ON UNIMPEDED ACCESS BY COLOMBIAN LAW ENFORCEMENT OFFICIALS TO ALL AREAS OF THE NATIONAL TERRITORY OF COLOMBIA.

It is the sense of Congress that the effectiveness of United States anti-drug assistance to Colombia depends on the ability of law enforcement officials of that country having unimpeded access to all areas of the national territory of Colombia for the purposes of carrying out the interdiction of illegal narcotics and the eradication of illicit crops.

SEC. 106. EXTRADITION OF NARCOTICS TRAFFICKERS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Colombia and the governments of the front line states should take effective steps to prevent the creation of a safe haven for narcotics traffickers by ensuring that narcotics traffickers indicted in the United States are promptly arrested, prosecuted, and sentenced to the maximum extent of the law and, upon the request of the United States Government, extradited to the United States for trial for their egregious offenses against the security and well-being of the people of the United States.

(b) REPORTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) a list of the persons whose extradition has been requested from Colombia or the front line states, indicating those persons who—

(A) have been surrendered to the custody of United States authorities;

(B) have been detained by authorities of Colombia or a front line state and who are being processed for extradition;

(C) have been detained by the authorities of Colombia or a front line state and who are not yet being processed for extradition; or

(D) are at large;

(2) a determination whether or not authorities of Colombia and the front line states are making good faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

(3) an analysis of—

(A) any legal obstacles in the laws of Colombia and of the front line states to the prompt extradition of persons sought by United States authorities; and

(B) the steps taken by authorities of the United States and the authorities of each such state to remove such obstacles.

SEC. 107. ADDITIONAL PERSONNEL REQUIREMENTS FOR THE UNITED STATES MISSION IN COLOMBIA.

(a) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report detailing the additional personnel requirements of the United States Mission in Colombia that are necessary to implement this Act.

(b) FUNDING OF REPORT RECOMMENDATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the relevant departments and agencies of the United States for the period beginning October 1, 1999, and ending September 30, 2002, such sums as may be necessary to pay the salaries of such number of additional personnel as are recommended in the report required by subsection (a).

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(2) ADDITIONAL PERSONNEL DEFINED.—In paragraph (1), the term ''additional personnel'' means the number of personnel above the number of personnel employed in the United States Mission in Colombia as of the date of enactment of this Act.

SEC. 108. SENSE OF CONGRESS ON A SPECIAL COORDINATOR ON COLOMBIA.

It is the sense of Congress that the President should designate a special coordinator on Colombia with sufficient authority—

(1) to coordinate interagency efforts to prepare and implement a comprehensive regional strategy to support Colombia and the front line states;

(2) to advocate within the executive branch adequate funding for and urgent delivery of assistance authorized by this Act; and

(3) to coordinate diplomatic efforts to maximize international political and financial support for Colombia and the front line states.

SEC. 109. SENSE OF CONGRESS ON THE DEATH OF THREE UNITED STATES CITIZENS IN COLOMBIA IN MARCH 1999.

It is the sense of Congress that the Government of Colombia should resolve the case of the three United States citizens killed in Colombia in March 1999 and bring to justice those involved in this atrocity.

SEC. 110. SENSE OF CONGRESS ON MEMBERS OF COLOMBIAN SECURITY FORCES AND MEMBERS OF COLOMBIAN IRREGULAR FORCES.

It is the sense of Congress that—

(1) any links between members of Colombian irregular forces and members of Colombian security forces are deeply troubling and clearly counterproductive to the effort to combat drug trafficking and the prevention of human rights violations; and

(2) the involvement of Colombian irregular forces in drug trafficking and in systematic terror campaigns targeting the noncombatant civilian population is deplorable and contrary to United States interests and policy.

TITLE II—ACTIVITIES SUPPORTED

Subtitle A—Democracy, Peace, the Rule of Law, and Human Rights in Colombia

SEC. 201. SUPPORT FOR DEMOCRACY, PEACE, THE RULE OF LAW, AND HUMAN RIGHTS IN COLOMBIA.

(a) IN GENERAL.—The President is authorized to support programs and activities to advance democracy, peace, the rule of law, and human rights in Colombia, including—

(1) the deployment of international observers, upon the request of the Government of Colombia, to monitor compliance with any peace initiative of the Government of Colombia;

(2) support for credible, internationally recognized independent nongovernmental human rights organizations working in Colombia;

(3) support for the Human Rights Unit of the Attorney General of Colombia;

(4) to enhance the rule of law through training of judges, prosecutors, and other judicial officials and through a witness protection program;

(5) to improve police investigative training and facilities and related civilian police activities; and

(6) to strengthen a credible military justice system, including technical support by the United States Judge Advocate General, and strengthen existing human rights monitors within the ranks of the military.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President $100,000,000 for the period beginning October 1, 1999, and ending September 30, 2002, to carry out subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 202. UNITED STATES EMERGENCY HUMANITARIAN ASSISTANCE FUND FOR INTERNALLY FORCED DISPLACED POPULATION IN COLOMBIA.

(a) SENSE OF CONGRESS.— It is the sense of Congress that—

(1) the United States Government should provide assistance to forcibly displaced persons in Colombia; and

(2) the Government of Colombia should support the return of the forcibly displaced to their homes only when the safety of civilians is fully assured and they return voluntarily.

(b) REPORT.—Not later than 60 days after the date of enactment of the Act, the Secretary of State shall submit to the appropriate congressional committees a report containing an examination of the options available to address the needs of the internally displaced population of Colombia.

(c) AUTHORIZATION TO PROVIDE ASSISTANCE.—The President is authorized—

(1) to provide assistance to the internally displaced population of Colombia; and

(2) to assist in the temporary resettlement of the internally displaced Colombians.

(d) FUNDING.—Amounts authorized to be appropriated by section 201(b) shall be available to the President for purposes of activities under subsection (c).

SEC. 203. INVESTIGATION BY COLOMBIAN ATTORNEY GENERAL OF DRUG TRAFFICKING AND HUMAN RIGHTS ABUSES BY IRREGULAR FORCES AND SECURITY FORCES.

(a) AUTHORITY.—The President is authorized to support efforts by the Attorney General of Colombia—

(1) to investigate and prosecute members of Colombian irregular forces involved in the production or trafficking in illicit drugs;

(2) to investigate and prosecute members of Colombian security forces involved in the production or trafficking in illicit drugs;

(3) to investigate and prosecute members of Colombian irregular forces involved in gross violations of internationally recognized human rights; and

(4) to investigate and prosecute members of Colombian security forces involved in gross violations of internationally recognized human rights.

(b) FUNDING.—Amounts authorized to be appropriated by section 201(b) shall be available to the President for purposes of activities under subsection (a).

SEC. 204. REPORT ON COLOMBIAN MILITARY JUSTICE.

(a) REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report examining the efforts to strengthen and reform the military justice system of Colombia and making recommendations for directing assistance authorized by this Act for that purpose.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall contain the following:

(1) A review of the laws, regulations, directives, policies, and practices of the military justice system of Colombia, including specific military reform measures being considered and implemented.

(2) An assessment of the extent to which the laws, regulations, directives, policies, practices, and reforms relating to the military justice system have been effective in preventing and punishing human rights violations, irregular forces, and narcotrafficking ties.

(3) Recommendations for the measures necessary to strengthen and improve the effectiveness and enhance the credibility of the military justice system of Colombia.

SEC. 205. DENIAL OF VISAS TO AND INADMISSIBILITY OF ALIENS WHO HAVE BEEN INVOLVED IN DRUG TRAFFICKING AND HUMAN RIGHTS VIOLATIONS IN COLOMBIA.

(a) GROUNDS FOR DENIAL OF VISAS AND INADMISSIBILITY.—Except as provided in subsection (b), the Secretary of State shall deny a visa to, and the Attorney General shall not admit to the United States, any alien who the Secretary of State has credible evidence is a person who—

(1) is or was an illicit trafficker in any controlled substance or has knowingly aided, abetted, conspired, or colluded with others in the illicit trafficking in any controlled substance in Colombia; or

(2) ordered, carried out, or materially assisted in gross violations of internationally recognized human rights in Colombia.

(b) EXCEPTIONS.—

(1) GROUNDS FOR EXCEPTION.—Subsection (a) does not apply in any case in which—

(A) the Secretary of State finds, on a case by case basis, that—

(i) the entry into the United States of the person who would otherwise be denied a visa or not admitted under this section is necessary for medical reasons; or

(ii) the alien has cooperated fully with the investigation of human rights violations; or

(B) the Attorney General of the United States determines, on a case-by-case basis, that admission of the alien to the United States is necessary for law enforcement purposes.

(2) CONGRESSIONAL NOTIFICATION.—Whenever an alien described in subsection (a) is issued a visa pursuant to paragraph (1) or admitted to the United States pursuant to paragraph (2), the Secretary of State or the Attorney General, as appropriate, shall notify in writing the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives of such action.

(c) REPORTING REQUIREMENT.—

(1) LIST OF THE UNITED STATES CHIEF OF MISSION.—The United States chief of mission to Colombia shall transmit to the Secretary of State a list of those individuals who have been credibly alleged to have carried out drug trafficking and human rights violations described in paragraphs (1) and (2) of subsection (a).

(2) TRANSMITTAL BY SECRETARY OF STATE.—Not later than three months after the date of the enactment of this Act, the Secretary of State shall submit the list prepared under paragraph (1) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(d) DEFINITIONS.—In this section:

(1) CONTROLLED SUBSTANCE.—The term ''controlled substance'' has the meaning given the term in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(2) HUMAN RIGHTS.—The term ''human rights violations'' means gross violations of internationally recognized human rights within the meaning of sections 116 and 502B of the Foreign Assistance Act of 1961.

Subtitle B—Eradication of Drug Production and Interdiction of Drug Trafficking

SEC. 211. TARGETING NEW ILLICIT CULTIVATION AND MOBILIZING THE COLOMBIAN SECURITY FORCES AGAINST THE NARCOTRAFFICKING THREAT.

(a) AUTHORITY.—The President is authorized to support programs and activities by the Government of Colombia, including its security forces, to target eradication and law enforcement activities in areas of new cultivation of coca and opium poppy, including—

(1) material support and technical assistance to aid the training, outfitting, deployment, and operations of not less than three counterdrug battalions of the Army of Colombia;

(2) to support the acquisition of up to 15 UH–60 helicopters or comparable transport helicopters, including spare parts, maintenance services and training, or aircraft upgrade kits for the Army of Colombia;

(3) communications and intelligence training and equipment for the Army and Navy of Colombia;

(4) additional aircraft for the National Police of Colombia to enhance its eradication efforts and to support its joint operations with the military of Colombia; and

(5) not less than $10,000,000 to support the urgent development of an application of naturally occurring and ecologically sound methods of eradicating illicit crops.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there is authorized to be appropriated $540,000,000 for the period beginning October 1, 1999, and ending September 30, 2002, to carry out subsection (a).

(c) SENSE OF CONGRESS RELATING TO ERADICATION.—It is the sense of Congress that the Government of Colombia should commit itself immediately to the urgent development and application of naturally occurring and ecologically sound methods for eradicating illicit crops.

SEC. 212. REINVIGORATION OF EFFORTS TO INTERDICT ILLICIT NARCOTICS IN COLOMBIA.

(a) AUTHORITY.—The President is authorized to support programs and activities by the Government of Colombia, including its security forces, to reinvigorate a nationwide program to interdict shipments of illicit drugs in Colombia, including—

(1) the acquisition of additional airborne and ground-based radar;

(2) the acquisition of airborne intelligence and surveillance aircraft for the Colombian Army;

(3) the acquisition of additional aerial refueling aircraft and fuel; and

(4) the construction of remote airfields.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President $200,000,000 for the period beginning October 1, 1999, and ending September 30, 2002, to carry out subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 213. ENHANCEMENT OF COLOMBIAN POLICE AND NAVY LAW ENFORCEMENT ACTIVITIES NATIONWIDE.

(a) AUTHORITY.—The President is authorized to support programs and activities by the Government of Colombia, including its security forces, to support anti-drug law enforcement activities by the National Police and Navy of Colombia nationwide, including—

(1) acquisition of transport aircraft, spare engines, and other parts, additional UH–1H upgrade kits, forward-looking infrared systems, and other equipment for the National Police of Colombia;

(2) training and operation of specialized vetted units of the National Police of Colombia;

(3) construction of additional bases for the National Police of Colombia near its national territorial borders; and

(4) acquisition of 16 patrol aircraft, 4 helicopters, forward-looking infrared systems, and patrol boats to support for the nationwide riverine and coastal patrol capabilities of the Navy of Colombia.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there is authorized to be appropriated to the President $205,000,000 for the period beginning October 1, 1999, and ending September 30, 2002, to carry out subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 214. TARGETING ILLICIT ASSETS OF IRREGULAR FORCES.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than three months after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Director of the Office of National Drug Control Policy, Attorney General, Secretary of State, and Director of Central Intelligence, shall establish a task force to identify assets of irregular forces that operate in Colombia for the purpose of imposing restrictions on transactions by such forces using the President's authority under the International Emergency Economic Powers Act (50 U.S.C. 1701).

(b) REPORT ON ASSETS OF IRREGULAR FORCES.—Not later than 12 months after the date of enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on measures taken in compliance with

this section and recommend measures to target the unlawfully obtained assets of irregular forces that operate in Colombia.

SEC. 215. ENHANCEMENT OF REGIONAL INTERDICTION OF ILLICIT DRUGS.

(a) AUTHORITY.—The President is authorized to support programs and activities by the United States Government, the Government of Colombia, and the governments of the front line states to enhance interdiction of illicit drugs in that region.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise available for such purposes, there is authorized to be appropriated to the President $410,000,000 for the period beginning October 1, 1999, and ending September 30, 2002, to carry out subsection (a), of which amount—

(1) up to $325,000,000 shall be available for material support and other costs by United States Government agencies to support regional interdiction efforts, of which—

(A) not less than $60,000,000 shall be available for the Drug Enforcement Administration;

(B) not less than $40,000,000 shall be available for regional intelligence activities; and

(C) not less than $30,000,000 for the acquisition of surveillance and reconnaissance aircraft for use by the United States Southern Command primarily for detection and monitoring in support of the interdiction of illicit drugs; and

(2) up to $85,000,000 shall be available for the governments of the front line states to increase the effectiveness of regional interdiction efforts.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (b) are authorized to remain available until expended.

(d) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this section may be made available to a front line state only after the President determines and certifies to the appropriate congressional committees that such state is cooperating fully with regional and bilateral aerial and maritime narcotics efforts or is taking extraordinary and effective measures on its own to impede suspicious aircraft or maritime vessels through its territory. A determination and certification with respect to a front line state under this subsection shall be effective for not more than 12 months.

SEC. 216. REVISED AUTHORITIES FOR PROVISION OF ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF COLOMBIA AND PERU.

Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: '', including but not limited to riverine counter-drug activities'';

(2) in subsection (c), by adding at the end the following:

''(4) The operating costs of equipment of the government that is used for counter-drug activities.''; and

(3) in subsection (e)(2), by striking ''any of the fiscal years 1999 through 2002'' and inserting ''the fiscal year 1999 and may not exceed $75,000,000 during the fiscal years 2000 through 2002''.

SEC. 217. SENSE OF CONGRESS ON ASSISTANCE TO BRAZIL.

It is the sense of Congress that the President should—

(1) review the nature of the cooperation between the United States and Brazil in counternarcotics activities;

(2) recognize the extraordinary threat that narcotics trafficking poses to the national security of Brazil and to the national security of the United States;

(3) support the efforts of the Government of Brazil to control drug trafficking in and through the Amazon River basin;

(4) share information with Brazil on narcotics interdiction in accordance with section 1012 of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2291–4) in light of the enactment of legislation by the Congress of Brazil that—

(A) authorizes appropriate personnel to damage, render inoperative, or destroy aircraft within Brazil territory that are reasonably suspected to be engaged primarily in trafficking in illicit narcotics; and

(B) contains measures to protect against the loss of innocent life during activities referred to in subparagraph (A), including an effective measure to identify and warn aircraft before the use of force; and

(5) issue a determination outlining the matters referred to in paragraphs (1) through (4) in order to prevent any interruption in the provision by the United States of critical operational, logistical, technical, administrative, and intelligence assistance to Brazil.

SEC. 218. MONITORING OF ASSISTANCE FOR COLOMBIAN SECURITY FORCES.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there is authorized to be appropriated for the Department of Defense and the Department of State for each of fiscal years 2000, 2001, and 2002 an amount not to exceed the amount equal to one percent of the total security assistance for the Colombian armed forces for such fiscal year for purposes of monitoring the use of United States assistance by the Colombian armed forces, including monitoring to ensure compliance with the provisions of this Act and the provisions of section 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in Public Law 105–277; 112 Stat. 2681–195) and section 8130 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2335).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) REPORTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on the monitoring activities undertaken using funds authorized to be appropriated by subsection (a) during the six-month period ending on the date of such report.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The Committees on Appropriations, Armed Services, and Foreign Relations of the Senate.

(2) The Committees on Appropriations, Armed Services, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 219. DEVELOPMENT OF ECONOMIC ALTERNATIVES TO THE ILLICIT DRUG TRADE.

(a) SENSE OF CONGRESS.—It is the sense of Congress—

(1) to recognize the importance of well-constructed programs for the development of economic alternatives to the illicit drug trade in order to encourage growers to cease illicit crop cultivation; and

(2) to stress the need to link enforcement efforts with verification efforts in order to ensure that assistance under such programs does not become a form of income supplement to the growers of illicit crops.

(b) SUPPORT FOR DEVELOPMENT OF ECONOMIC ALTERNATIVES.—The President is authorized to support programs and activities by the United States Government and regional governments to enhance the development of economic alternatives to the illicit drug trade.

(c) PROHIBITION ON CERTAIN USE OF ALTERNATIVE DEVELOPMENT ASSISTANCE.—No funds available under this Act for the development of economic alternatives to the illicit drug trade may be used to reimburse persons for the eradication of illicit drug crops.

(d) LIMITATION ON USE OF FUNDS.—Funds authorized to be appropriated by subsection (e) may only be made available to Colombia or a front line state after—

(1) such state has provided to the United States agency responsible for the administration of this section a comprehensive development strategy that conditions the development of economic alternatives to the illicit drug trade on verifiable illicit crop eradication programs; and

(2) the President certifies to the appropriate congressional committees that such strategy is comprehensive and applies sufficient resources toward achieving realistic objectives to ensure the ultimate eradication of illicit crops.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purpose, there is authorized to be appropriated $180,000,000 for the period beginning October 1, 1999, and ending September 30, 2002, to carry out subsection (b), including up to $50,000,000 for Colombia, up to $90,000,000 for Bolivia, and up to $40,000,000 for Peru.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

ADDITIONAL COSPONSORS

S. 185

At the request of Mr. ASHCROFT, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 620

At the request of Mr. SARBANES, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 620, a bill to grant a Federal charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 720

At the request of Mr. HELMS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 720, a bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes.

S. 758

At the request of Mr. ASHCROFT, the names of the Senator from Texas (Mrs.

HUTCHISON) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 758, a bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes.

S. 1130

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1130, a bill to amend title 49, United States Code, with respect to liability of motor vehicle rental or leasing companies for the negligent operation of rented or leased motor vehicles.

S. 1144

At the request of Mr. VOINOVICH, the names of the Senator from Delaware (Mr. ROTH) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1242

At the request of Mr. AKAKA, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1242, a bill to amend the Immigration and Nationality Act to make permanent the visa waiver program for certain visitors to the United States.

S. 1249

At the request of Mr. TORRICELLI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1249, a bill to deny Federal public benefits to individuals who participated in Nazi persecution.

S. 1327

At the request of Mr. CHAFEE, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1327, a bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

S. 1447

At the request of Mr. WELLSTONE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1447, a bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to provide for nondiscriminatory coverage for substance abuse treatment service under private group and individual health coverage.

S. 1452

At the request of Mr. SHELBY, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Maine (Ms. COLLINS) 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. 1464

At the request of Mr. HAGEL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1561

At the request of Mr. ABRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1561, a bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1750

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1750, a bill to reduce the incidence of child abuse and neglect, and for other purposes.

SENATE RESOLUTION 196

At the request of Mr. WARNER, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Idaho (Mr. CRAPO), the Senator from Massachusetts (Mr. KERRY), the Senator from Indiana (Mr. LUGAR), the Senator from Virginia (Mr. ROBB), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of Senate Resolution 196, a resolution commending the submarine force of the United States Navy on the 100th anniversary of the force.

SENATE RESOLUTION 204

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Resolution 204, a resolution designating the week beginning November 21, 1999, and the week beginning on November 19, 2000, as ''National Family Week,'' and for other purposes.

AMENDMENTS SUBMITTED

PARTIAL BIRTH ABORTION BAN ACT OF 1999

DURBIN (AND OTHERS) AMENDMENT NO. 2319

Mr. DURBIN (for himself, Ms. SNOWE, Ms. COLLINS, Mr. TORRICELLI, Ms. MIKULSKI, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. AKAKA, Mr. GRAHAM, Mr. WELLSTONE, Mrs. LINCOLN, and Mr. DODD) proposed an amendment to the bill (S. 1692) to amend title 18, United States Code, to ban partial birth abortions; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Late Term Abortion Limitation Act of 1999''.

SEC. 2. BAN ON CERTAIN ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

''CHAPTER 74—BAN ON CERTAIN ABORTIONS

''§ 1531. Prohibition of Post-Viability Abortions.

''(a) IN GENERAL.—It shall be unlawful for a physician to intentionally abort a viable fetus unless the physician prior to performing the abortion—

''(1) certifies in writing that, in the physician's medical judgment based on the particular facts of the case before the physician, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health; and

''(2) an independent physician who will not perform nor be present at the abortion and who was not previously involved in the treatment of the mother certifies in writing that, in his or her medical judgment based on the particular facts of the case, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health.

''(b) NO CONSPIRACY.—No woman who has had an abortion after fetal viability may be prosecuted under this chapter for conspiring to violate this chapter or for an offense under section 2, 3, 4, or 1512 of title 18.

''(c) MEDICAL EMERGENCY EXCEPTION.—The certification requirements contained in subsection (a) shall not apply when, in the medical judgment of the physician performing the abortion based on the particular facts of the case before the physician, there exists a medical emergency. In such a case, however, after the abortion has been completed the physician who performed the abortion shall certify in writing the specific medical condition which formed the basis for determining that a medical emergency existed.

''§ 1532. Penalties.

''(a) ACTION BY THE ATTORNEY GENERAL.—The Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney specifically designated by the Attorney General may commence a civil

action under this chapter in any appropriate United States district court to enforce the provisions of this chapter.

''(b) FIRST OFFENSE.—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter, the court shall notify the appropriate State medical licensing authority in order to effect the suspension of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(b), or shall assess a civil penalty against the respondent in an amount not to exceed $100,000, or both.

''(c) SECOND OFFENSE—Upon a finding by the court that the respondent in an action commenced under subsection (a) has knowingly violated a provision of this chapter and the respondent has been found to have knowingly violated a provision of this chapter on a prior occasion, the court shall notify the appropriate State medical licensing authority in order to effect the revocation of the respondent's medical license in accordance with the regulations and procedures developed by the State under section 1533(b), or shall assess a civil penalty against the respondent in an amount not to exceed $250,000, or both.

''(d) HEARING.—With respect to an action under subsection (a), the appropriate State medical licensing authority shall be given notification of and an opportunity to be heard at a hearing to determine the penalty to be imposed under this section.

''(e) CERTIFICATION REQUIREMENTS.—At the time of the commencement of an action under subsection (a), the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney who has been specifically designated by the Attorney General to commence a civil action under this chapter, shall certify to the court involved that, at least 30 calendar days prior to the filing of such action, the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General or United States Attorney involved—

''(1) has provided notice of the alleged violation of this chapter, in writing, to the Governor or Chief Executive Officer and Attorney General or Chief Legal Officer of the State or political subdivision involved, as well as to the State medical licensing board or other appropriate State agency; and

''(2) believes that such an action by the United States is in the public interest and necessary to secure substantial justice.

''§ 1533. Regulations.

''(a) FEDERAL REGULATIONS.—

''(1) IN GENERAL.—Not later than 60 days after the date of enactment of this chapter, the Secretary of Health and Human Services shall publish proposed regulations for the filing of certifications by physicians under this chapter.

''(2) REQUIREMENTS.—The regulations under paragraph (1) shall require that a certification filed under this chapter contain—

''(A) a certification by the physician performing the abortion, under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter;

''(B) a description by the physician of the medical indications supporting his or her judgment;

''(C) a certification by an independent physician pursuant to section 1531(a)(2), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, the abortion performed was medically necessary pursuant to this chapter; and

''(D) a certification by the physician performing an abortion under a medical emergency pursuant to section 1531(c), under threat of criminal prosecution under section 1746 of title 28, that, in his or her best medical judgment, a medical emergency existed, and the specific medical condition upon which the physician based his or her decision.

''(3) CONFIDENTIALITY.—The Secretary of Health and Human Services shall promulgate regulations to ensure that the identity of a mother described in section 1531(a)(1) is kept confidential, with respect to a certification filed by a physician under this chapter.

''(b) STATE REGULATIONS.—A State, and the medical licensing authority of the State, shall develop regulations and procedures for the revocation or suspension of the medical license of a physician upon a finding under section 1532 that the physician has violated a provision of this chapter. A State that fails to implement such procedures shall be subject to loss of funding under title XIX of the Social Security Act.

''§ 1534. State Law.

''(a) IN GENERAL.—The requirements of this chapter shall not apply with respect to postviability abortions in a State if there is a State law in effect in that State that regulates, restricts, or prohibits such abortions to the extent permitted by the Constitution of the United States.

''(b) DEFINITION.—In subsection (a), the term 'State law' means all laws, decisions, rules, or regulations of any State, or any other State action, having the effect of law.

''§ 1535. Definitions.

''In this chapter:

''(1) GRIEVOUS INJURY.—

''(A) IN GENERAL.—The term 'grievous injury' means—

''(i) a severely debilitating disease or impairment specifically caused or exacerbated by the pregnancy; or

''(ii) an inability to provide necessary treatment for a life-threatening condition.

''(B) LIMITATION.—The term 'grievous injury' does not include any condition that is not medically diagnosable or any condition for which termination of the pregnancy is not medically indicated.

''(2) PHYSICIAN.—The term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions, except that any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs an abortion in violation of section 1531 shall be subject to the provisions of this chapter.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

''74. Ban on certain abortions ..... 1531.''.

BOXER AMENDMENT NO. 2320

Mrs. BOXER proposed an amendment to amendment No. 2319 proposed by Mr. DURBIN to the bill, S. 1692, supra; as follows:

At the end of the bill, add the following:

SEC. . SENSE OF CONGRESS.

It is the sense of the Congress that, consistent with the rulings of the Supreme Court, a woman's life and health must always be protected in any reproductive health legislation passed by Congress.

HARKIN AMENDMENT NO. 2321

Mr. HARKIN proposed an amendment to amendment No. 2320 proposed by Mrs. BOXER to the bill, S. 1692, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS CONCERNING ROE V. WADE.

(a) FINDINGS.—Congress finds that—

(1) reproductive rights are central to the ability of women to exercise their full rights under Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe* v. *Wade* (410 U.S. 113 (1973));

(3) the 1973 Supreme Court decision in *Roe* v. *Wade* established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy; and

(4) women should not be forced into illegal and dangerous abortions as they often were prior to the *Roe* v. *Wade* decision.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) *Roe* v. *Wade* was an appropriate decision and secures an important constitutional right; and

(2) such decision should not be overturned.

SANTORUM AMENDMENT NO. 2322

Mr. SANTORUM proposed an amendment to the motion to recommit proposed by him to the bill, S. 1692, supra; as follows:

At the end of the instructions insert the following:

SEC. . SENSE OF CONGRESS CONCERNING ROE V. WADE AND PARTIAL BIRTH ABORTION BANS.

FINDINGS.—Congress finds that—

(1) Abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in *Roe* v. *Wade* (410 U.S. 113 (1973));

(2) No partial birth abortion ban shall apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

SENSE OF CONGRESS.—It is the sense of the Congress that partial birth abortions are horrific and gruesome procedures that should be banned.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''EPA Fails Small Businesses: EPA Fails to Consider Small Businesses During Recent Rulemaking.'' The hearing will be held on Thursday, October 28, 1999, beginning at 9:30 a.m. in room 428 Russell Senate Office Building.

For further information, please contact John Stoody or Marc Freedman at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 20, 1999, at 9:30 a.m. on effects of performance enhancing drugs on the health of athletes and athletic competition in SD–106.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 20, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on Wednesday, October 20, 1999 at 10 a.m. in Executive Session to mark up the Tax Extenders Bill.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 20, 1999 at 2 p.m. to hold a hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, October 20, 1999 at 9:30 a.m. to mark up pending legislation to be followed by a hearing on Indian Reservation Roads and the Transportation Equity Act in the 21st Century (TEA–21).

The hearing will be held in room 485, Russell Senate Building.

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

SUBCOMMITTEE ON THE JUDICIARY

Mr. HUTCHINSON. Mr. President, The Committee on the Judiciary requests unanimous consent to conduct a hearing on Wednesday, October 20, 1999 at 9 a.m. in Dirksen Room 226.

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

SUBCOMMITTEE ON RATES AND ADMINISTRATION

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, October 20, 1999 at 9:30 a.m. to conduct an oversight hearing on the operations of the Architect of the Capitol.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, October 20, 1999, in open session, to receive testimony on the efforts of the military services in implementing joint experimentation.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 20, for purposes of conducting a Water and Power Subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 1167, a bill to amend the Pacific Northwest Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel; S. 1694, a bill to direct the Secretary of the Interior to conduct a study of the reclamation and reuse of water and wastewater in the State of Hawaii; S. 1612, a bill to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation and reclamation districts in the State of Nebraska; S. 1474, a bill providing conveyance of the Palmetto Band project to the State of Texas; S. 1697, a bill to authorize the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982; S. 1178, a bill to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase from the Commission, and for other purposes; and S. 1723, a bill to establish a program to authorize the Secretary of the Interior to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

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

ADDITIONAL STATEMENTS

NATIONAL WOMEN'S BUSINESS WEEK

• Mr. DURBIN. Mr. President, I rise today in recognition of the tremendous economic contributions made by women business owners in Illinois and to recognize the work of the Women's Business Development Center, a woman's business training and technical assistance center that has assisted over 30,000 women in realizing their dreams of business ownership.

The newest statistics from the National Foundation for Women's Business Ownership confirm that women entrepreneurs now make up more than 38 percent of all business and continue to be the most dynamic, fastest growing sector of our Nation's economy. I am proud to tell you that there are now 384,700 women-owned businesses in Illinois, employing 1.5 million workers and generating $195 billion in annual sales, a growth of 139 percent in 7 years.

Women business owners in Illinois area vibrant sector of our State economy and strong advocates for women's business ownership nationwide. Recently one of Illinois's own, Sheila G. Talton, president and CEO of Unisource Network Services, Inc., headquartered in Chicago, was appointed to serve on the National Women's Business Council. Unisource Network Services provides network interrogation consulting, including voice, data and multimedia consulting. Ms. Talton, who has 20 years of experience in the information systems and telecommunications field, formed the company in 1986 and sales are projected at $17 million this fiscal year. The company services an elite class of Fortune 500 companies, major educational and health care institutions and public agencies.

Unisource Network Services exemplifies the type of high-growth business that is attractive to investors in Illinois and around the country. In fact, Ms. Talton financed the growth of her technology company with venture capital investments. Unfortunately her story is usual; I'm told that most women entrepreneurs are having difficulties raising the capital they need to take their technology-based companies to the next level. Though women are starting high-growth business at unprecedented rates, they currently access less than 5 percent of all venture capital investments.

Mr. President, the strength of the economy of Illinois and the Nation depends upon the success of enterprises like Unisource. The opportunities to launch and grow businesses and the demand for training and capital have never been greater. In order for these new businesses to flourish, we must ensure that their access to capital and markets is unimpeded and that they

have information and resources they need to compete at the speed of the Internet.●

IN RECOGNITION OF NATIONAL WOMEN'S BUSINESS WEEK

● Mrs. FEINSTEIN. Mr. President. I rise today in recognition of ''National Women's Business Week'' and of the vital role women business-owners play in our economy.

I would also like to recognize the appointment of Vivian L. Shimoyama to the National Women's Business Council. Ms. Shimoyama is the Founder and President of Breakthru Unlimited, a California company that designs and manufactures projects with a message: hand-made glass artwork of jewelry, executive gifts, limited editions, and custom awards. A brilliant sample of her work is her ''Breaking the Ceiling'' line of jewelry that has adorned the lapels of Hillary Clinton and Elizabeth Dole. Currently, she serves as the Chair of the National Association of Women Business Owners—Los Angeles. In 1999, she was honored as the Small Business Administration's ''Women Business Advocate of the Year''.

Ms. Shimoyama runs one of the 1.2 million women-owned businesses headquartered in California. According to a study by the National Foundation for Women Business Owners (NFWBO), these businesses employ 3.8 million workers and generate $548 billion in annual sales, a growth of 164 percent in seven years.

Without a doubt, women entrepreneurs have played a crucial part in the growth of our economy. NFWBO reports that between 1987 and 1999, the number of women-owned firms increased by 103 percent nationwide, employment increased by 320 percent, and sales increased by 436 percent. As of 1999, there are 9.1 million women-owned businesses in the U.S., which employ 27.5 million people and generate over $3.6 trillion in sales. To put the sales of these businesses into context, they are twice the size of the Federal budget, and greater than the Gross National Product of every country in the world but the United States and Japan.

An increasing number of these businesses have focused on emerging industries such as high technology. These businesses demand a greater access to capital and information resources than ever before.

Mr. President, I will do all I can to ensure that the women in my state and all over the country have access to the opportunities and resources they need to start new business ventures. However it is also imperative that we invest in the business development resources that will help women sustain and grow these new businesses. This small investment yields big returns in the form of job creation, revenues, and overall growth of the nation's economy.●

MEDICARE BENEFICIARY ACCESS TO QUALITY NURSING HOME CARE ACT OF 1999

● Mr. ABRAHAM. Mr. President, on the 13th of October, I was proud to cosponsor S. 1500, the Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999. When Congress worked with the President to craft and pass the Balanced Budget Act of 1997, it included a number of desperately needed cost-saving measures to ensure that Medicare did not go bankrupt. At the time, Medicare was projected to be bankrupt by 2001 with annual costs rising at three times the rate of inflation.

However, the Health Care Financing Administration, which oversees the administration of Medicare, has far exceeded the scope of the Balanced Budget Act of 1997, and gone beyond the intent of Congress in scaling back health care provider reimbursements. Driven by a philosophy that the Federal Government knows best how to handle your health care decisions, this administration has uniformly adopted policies that limit Medicare beneficiary choice, obstruct critically needed market-based reforms, and relentlessly pursued a strategy of reducing payments to providers as the prime method to reduce outlays.

Sometimes such a ''Washington-knows-best'' strategy just doesn't work. The fact of the matter is, health care providers will bear costs that cannot be overlooked or undervalued simply because HCFA wishes to declare it so. This has been especially prevalent in the area of Skilled Nursing Facility care. The recently implemented Prospective Payment System (PPS) fails to account for the full range of services required by most Medicare beneficiaries provided care in these facilities.

Specifically, the PPS implemented by HCFA has a payment schedule called Resource Utilization Groups (RUGs) that are intended to account for the needs of individual beneficiaries. However, these RUGs have failed to account for the full range of needs of these beneficiaries, especially for the medically complex patient. While private market insurance is significantly better at recognizing the needs of the medically complex patient, the failure of this administration to allow for any type of market-based reform to move forward has forced us to rely upon the implementation of the PPS by HCFA, which, as I discussed before, seems to have a predisposition towards underpaying for necessary services.

The result, Mr. President, is that beneficiaries are increasingly denied access to lower-cost Skilled Nursing Facilities and are forced to continue care in higher-cost hospitals where they also may not be able to get the most appropriate level of rehabilitative care. S. 1500, introduced by Senator HATCH, attempts to address the overreaching of HCFA directly and swiftly. First, it would provide for payment ''add-ons'' for the provision of additional treatment in the care of the medically complex patient. Second, it restores one percentage point of the reductions to the annual inflation adjustor mandated by BBA–97. Although the inflation adjustment reduction was directly written in the BBA–97 language, it's revision provides Congress the most direct and simplest way to counteract the excesses of HCFA.

Mr. President, I am heartened that HCFA has recognized the flaws in the current PPS system and is undertaking a review of this system. However, that review will not be completed until next year. Our Skilled Nursing Facilities need these restorations now in order to continue to provide our Medicare beneficiaries continued and uninterrupted care. That is why I fully support this legislation, am cosponsoring it, and call on my colleagues to do the same as soon as possible.●

THIRD ANNUAL CAUCUS FOR POTOMAC HERITAGE NATIONAL SCENIC TRAIL

● Mr. ROBB. Mr. President, I rise to recognize the Third Annual Caucus for the Potomac Heritage National Scenic Trail, to be held on October 22, 1999.

Designated by Congress in 1983, the Potomac Heritage Trail is unlike any other trail in the National Trails System. The corridor which follows ''Our Nation's River'' includes both the boyhood home and Mt. Vernon estate of our first President, George Washington, significant greenways and parks, and nearby centers of commerce which are vital to the economic vitality of Virginia and the capital region.

I congratulate the National Park Service, the Potomac Heritage Partnership, the Northern Virginia Planning District Commission and other advocates of this National Scenic Trail in persevering in their efforts to increase opportunities for enhancing commerce, conservation and cultural initiatives along the Potomac River. I wish them continued success in the years to come.●

IN RECOGNITION OF DOUGLAS C. STRAIN

● Mr. WYDEN. Mr. President, I am pleased today to recognize the 55th anniversary of Electro Scientific Industries, Incorporated, ESI, and to honor the accomplishments of Mr. Douglas C. Strain, ESI's founder and first president and chairman of ESI's board.

Established in Portland in 1944, ESI was among the first high-technology

companies in Oregon. Since that time, ESI has grown into a global leader in the manufacturer of precision laser trimmers and memory repair equipment, as well as a worldwide supplier of electronic production equipment. From humble beginnings, ESI has become a $200 million company, employing more than 900 individuals in Oregon and around the world, and helping to establish Oregon as one of this country's high-tech capitals.

Accomplishments such as these are often born of tough challenges. Having overcome a devastating fire in the 1950's, ESI had to rebuild itself from the ground up, and has had to re-invent itself on a number of occasions since that time. The company has proven itself adept at adapting to the fast-pace that characterizes the high-technology sector. From test and calibration equipment, electron microscopy, and analog computing to laser trimming, memory repair and vision, handling, packaging, and drilling technologies, ESI products have always been at the leading edge of technology developments.

I especially pay tribute to a remarkable Oregonian, Electro Scientific's founder, Mr. Douglas C. Strain. On October 24, Doug will celebrate both his 80th birthday and his retirement from ESI's board of directors. Mr. Strain's vision and perseverance have brought the company successfully to the end of this century, and I believe that ESI will continue on with equal success well into the next century. I congratulate Doug on his accomplishments and wish him the very best as he undertakes new challenges in his life.●

IN PRAISE OF METS OUTFIELDER BENNY AGBAYANI

● Mr. AKAKA. Mr. President, the boys of summer rarely disappoint us, and last night's final game of the National League playoffs once again confirmed that baseball is truly America's pastime. The series captivated television audiences as the Mets and Braves went head to head in extra innings in their last two games: Sunday's game was the longest in playoff history—lasting more than five hours, and last night's game was not decided until the bottom of the 11th—just past midnight.

I want to single out Hawaii's own, Benny Agbayani, the star New York outfielder, who proudly wears number 50 for the 50th state. Benny had an illustrious playoff season and proved he is an invaluable addition to the Mets starting lineup. After playing in Triple A since 1993, the Hawaii outfielder was called up by the Mets in early May to replace the injured Bobby Bonilla. He secured his slot by batting .400 and hitting 10 home runs by mid-June. The former St. Louis School and Hawaii Pacific University all-state athlete has made Hawaii proud and has captured the nation's attention with his strength at bat, agility on the field, and grace in waiting for his place in baseball history.

My aloha to Benny, his recent bride Niela, and their families.●

CHANGE OF CONFEREE

Mr. SANTORUM. Mr. President, I ask unanimous consent that Senator DOMENICI be added as a conferee in lieu of Senator KYL to the conference to accompany the D.C. appropriations bill.

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

NATIONAL MEDAL OF HONOR SITES IN CALIFORNIA, INDIANA, AND SOUTH CAROLINA

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of H.R. 1663, and the Senate now proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1663) to designate as a national memorial the memorial being built at the Riverside National Cemetery in Riverside, California, to honor recipients of the Medal of Honor.

There being no objection, the Senate proceeded to consider the bill.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1663) was passed.

ORDERS FOR THURSDAY, OCTOBER 21, 1999

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 9:30 a.m. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 1692, the partial-birth abortion bill.

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

PROGRAM

Mr. SANTORUM. For the information of all Senators, the Senate will resume consideration of the partial-birth abortion bill tomorrow morning. By a previous order, the Senate will proceed to a vote on the pending Harkin amendment after 2 hours of debate. Therefore, Senators can anticipate the first vote on Thursday at approximately 11:30 a.m. unless time is yielded back. Debate on the bill is expected to be completed during tomorrow's session of the Senate. Consequently, Senators can expect votes on amendments and final passage of the bill. The Senate may also consider any appropriations conference reports ready for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANTORUM. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:30 p.m., adjourned until Thursday, October 21, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 20, 1999:

DEPARTMENT OF COMMERCE

LINDA J. BILMES, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE W. SCOTT GOULD, RESIGNED.

LINDA J. BILMES, OF CALIFORNIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF COMMERCE, VICE W. SCOTT GOULD, RESIGNED.

DEPARTMENT OF STATE

JAMES B. CUNNINGHAM, OF PENNSYLVANIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

DONALD STUART HAYS, OF VIRGINIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR UN MANAGEMENT AND REFORM.

THE JUDICIARY

JAMES D. WHITTEMORE, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA VICE WILLIAM TERRELL HODGES, RETIRED.

RICHARD C. TALLMAN, OF WASHINGTON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE BETTY BINNS FLETCHER, RETIRED.

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 general

GEN. JOHN P. JUMPER, 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 general

LT. GEN. GREGORY S. MARTIN, 0000.

HOUSE OF REPRESENTATIVES—*October 20, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BEREUTER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 20, 1999.

I hereby appoint the Honorable DOUG BEREUTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Rabbi Robert J. Orkand, Temple Israel, Westport, Connecticut, offered the following prayer:

Let us pause in reverence before the gift of self, a gift freely given by God, the Creator. Let us pause in reverence before the mystery of the presence, the near and far reality of God. Let us pause in reverence before the gift of human purpose by which we would approach the mystery of God with deeds. Let us pause in reverence before the gift of life and the meaning of our being in this nexus of time's history. Let there be a divine reason for our presence so that the lives we touch may know a goodness and the days we live may be brighter for our compassion. And if our names be forgotten by those we serve, then at least may our works evoke an eternal amen.

And let faith be to us life and joy, let it be a voice of renewing challenge to the best we have and may be; let faith be for us a dissatisfaction with things that are; let faith bid us serve more eagerly the true and the right. Let faith be the sorrow that opens for us the way of sympathy, understanding and service to suffering humanity. Let faith be to us the wonder and lure of that which is only partly known and understood. Let it be an awe in the glories of nature's majesty and beauty and a heart that rejoices in deeds of kindness and of courage. Let our faith be for us hope and purpose and the discovery of opportunities to express our best through our daily tasks, both large and small. And let us say, Amen.

THE JOURNAL

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

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

Mr. LEWIS of Georgia. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of Georgia. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Mrs. CAPPS) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPPS 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 974. An act to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1652. An act to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

WELCOME TO RABBI ROBERT ORKAND

(Mr. SHAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAYS. Mr. Speaker, it is my great pleasure to welcome Rabbi Robert Orkand and to thank him for his special opening prayer this morning.

It is also my pleasure to be given this opportunity to share this great man and community leader with my colleagues. For a quarter of a century Rabbi Orkand has been a source of wisdom, inspiration, and pride to his family, wife Joyce and son Seth, friends, congregation, and the larger community in which he lives. From Miami, Florida; to Rockford, Illinois; to Westport, Connecticut, his commitment to education, activism, and religious pluralism have benefited the lives of so many.

Rabbi Orkand's energy and compassion are testament to his dedication and to all that he believes and cherishes. On a national level, he is currently chair of the National Commission on Jewish Education of the Reform Movement, co-chair of the Rabbinic Cabinet of the Association of Reform Zionists of America, and a member of the Executive Board of the Rabbinic Cabinet of the United Jewish Appeal. And locally he is a member of the Human Services Commission of the Town of Westport and has served as past president of the United Way, a member of the Board of Directors of the United Jewish Appeal Federation, and president of the Westport-Weston Clergy Association. Rabbi Orkand has coauthored three prayer books for children, ''Gates of Wonder'', ''Gates of Awe'', and ''A Child's Haggadah.''

This House salutes Rabbi Orkand for his dedication to duty and his love of God and humanity. He has left a wonderful mark on his congregation and all the communities he has touched over the years. Rabbi Orkand is a man of God and a true healer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

MOTHER NATURE IS WARNING US—WE SHOULD LISTEN

(Mr. GIBBONS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, ''Shake Rattle and Roll'' may be the words of a famous rock and roll tune, but it is also Mother Nature pointing her finger and writing on the wall. Because less than just 1 week ago last Saturday, Mother Nature sent a 7.0 magnitude earthquake rolling through the western United States. Its epicenter was just about 100 miles east of Los Angeles, but this powerful quake made its way quickly to Las Vegas, derailing a train, and passing through and over Yucca Mountain, the proposed site to bury the Nation's most deadly toxic substance, nuclear waste.

Mr. Speaker, this quake shook Las Vegas with a 5.0- plus magnitude by the time it reached Las Vegas, and it was felt 100 miles away from the earthquake's epicenter. Mother Nature is pointing her finger at this country urging us to stop the nuclear waste lobbyists from sticking the deadliest wastes known to man into one of man's most seismically active areas of the country.

Mr. Speaker, this latest earthquake is yet another sign that Yucca Mountain is not the right place to store nuclear waste. Let us tell Mother Nature that we have heard her loud and clear. Let us stop the Yucca Mountain project. Mother knows best.

CONGRATULATIONS TO AMERICA'S TEAM, THE ATLANTA BRAVES

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise this morning to congratulate the Atlanta Braves, America's team. I wish Bobby Cox and all the members of the Braves family the very best in their great nonviolent struggle against the New York Yankees.

I say this morning: Braves, go Braves. Go and win. You must win. When you win, America wins. Go Braves. Go Braves.

PROMOTE PUBLIC AWARENESS OF ALZHEIMER'S

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, have you ever put down your car keys and just 1 hour later forgotten where you left them? Have you ever forgotten the answer to the question for what you had for lunch yesterday? Well, fortunately, most everyone has experienced this very common type of forgetfulness. But imagine a person finding their car keys and forgetting what they are used for. Persons suffering with Alzheimer's Disease suffer similar memory losses. And as the disease progresses, forgetfulness can become more destructive. Alzheimer's affects approximately 4 million Americans now, and experts predict that about 8 to 10 million will suffer from Alzheimer's by the year 2020.

By stating that he was beginning the journey that would lead him into the sunset of his life, former President and Republican revolutionary Ronald Reagan announced to the world just 5 years ago that he too has been diagnosed with Alzheimer's. Ronald Reagan felt it necessary to share this disclosure with those he loved most, the American people. As valiantly as Ronald Reagan, my colleagues, I am sure, will promote greater public awareness about the disease of Alzheimer's.

WAR ON DRUGS IS A JOKE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the governor of New Mexico says, and I quote, ''America has lost the war on drugs. It is time to legalize drugs.'' Think about it. Cocaine and heroin, legal. Eleven- and 12-year-olds strung out.

This is a joke. While our drug czar worries about Olympic athletes, our borders are wide open, literally tons of heroin and cocaine flooding our streets, and now politicians are calling for legalization of narcotics.

Beam me up. This is not a war on drugs; this is absolute surrender. I yield back all the catchy, get-tough, rah-rah, gung-ho slogans of America's great charade on drugs.

DEMOCRATS TRY TO FRACTURE REPUBLICANS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, yesterday and for the past week the folks on this side of the aisle, the Democrats, have said the Republicans are going to take money from the Social Security Trust Fund to balance the budget.

Now, CBO, of course, issued a letter to the Speaker of the House on October 1, 1999 saying this was not true. Yet we have the Democrats continuing to say the opposite.

Now we have in the Associated Press an interesting quotation. The Democrats admit a raid on Social Security. ''Privately, some Democrats say a final budget deal that uses some of the pension program's surpluses would be a political victory for them, because it would fracture the GOP by infuriating conservatives.'' That was October 19, 1999.

The bottom line is that Democrats are using this whole thing of Social Security as a political gimmick. They are politicizing this whole process because they are trying to fracture Republicans. The bottom line is Republicans are not going to raid the Social Security Trust Fund.

APPROPRIATION BILLS NEED TO BE ON THE FLOOR

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, it is amazing to follow my colleague from Florida, because once again we are seeing where the Republican leadership's values are. According to the CBO, the Congressional Budget Office, they are already borrowing $13 billion more in Social Security dollars than they have available. Thirteen billion more in Social Security dollars.

But my concern this morning is that we have not even talked about the education funding. We have not even got to Labor-HHS yet. It is estimated that education could be reduced as much as $16 billion, and yet the Republicans are already borrowing more than $13 billion from Social Security before we have even gotten to education.

Education is the number one issue for most people in this country. They want more money put into it, not less. Yet what we are seeing is that we have not even gotten to one of the appropriation bills on the floor and they are still $13 billion in the hole on Social Security. That is what bothers me, and I think it bothers a lot of people in this country. I think they should get their appropriations bills all lined up so we can look at them, instead of holding education funding till the last so they can use education as an ATM machine.

PRESIDENT IS NOW ON BOARD WITH REPUBLICANS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, we have not spent one dime of the Social Security surplus. And in Kansas, there is a saying, ''Don't change horses in the middle of the stream.'' There is a reason for that. If one did try to change horses, he could run the unnecessary risk of falling into the river and possibly drowning.

That is exactly what the President has done. In the middle of the stream of spending bills that we have, the President has gotten off the horse he had during his State of the Union speech, where he said he would spend 40 percent of the Social Security surplus, on to the horse the Republicans have been riding when we said we will not spend one dime of the Social Security Trust Fund.

□ 1015

Welcome, Mr. President. We will extend our hand so that you will not fall. Together we can take a big red pen like the one I am holding in my hand and cut wasteful Government programs, protecting the Social Security surplus.

Congratulations, Mr. President. Come on over.

REPUBLICANS USE SOCIAL SECURITY AS A PIGGY BANK

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, it is so very refreshing to see the Republicans here on the floor professing an interest in protecting the Social Security surplus.

It was only a short time ago that their majority leader was condemning Social Security as a bad deal and saying he never would have created it in the first place.

What we do know this year is, after jeopardizing Social Security with a near trillion-dollar irresponsible tax break for those at the top of the economic ladder, that the Republicans' own Congressional Budget Office has verified that they have gone $13 billion already, if we stop right now and went home, $13 billion into the Social Security surplus. That is without ever having come to this House floor, 3 weeks after the Federal fiscal deadline, and presented the bill to fund education and health and a wide variety of other measures.

The Republicans, if they stay on their current course, are going to dip into Social Security another $24 billion dollars. That is without any help from anyone but themselves. Apparently, their new interest in Social Security is to use it as a piggy bank.

PRESIDENT'S TAX VETO ALLOWS ''DEATH TAX'' TO CONTINUE TO CLOSE SMALL BUSINESSES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, I have here a headline from the Colorado Springs Gazette newspaper. It says, ''Brookhart's Lumber Business Selling to Avoid 'Death Tax,' Company Says.''

I have known this company for over 30 years. I watched their struggle over this issue. This is a company that is 52 years old, locally owned, three generations. They wanted to continue to operate this profitable small business. They wanted their boys to inherit it when they are gone. But they cannot because of the death tax.

Locally-owned company sells out to a Dallas conglomerate. We lose a locally-owned company.

Be proud, Mr. President, your veto saved the Nation from this evil tax cut that would have gotten rid of the death tax and prevented incidences like the Brookharts which are occurring all over the Nation with small farms and businesses everywhere.

In his passion for more tax dollars and for the bigger Government he so loves, he should remember that there are real-life consequences to his irresponsible actions.

Be proud, Mr. President. But I am ashamed of you and your thirst for the hard-earned tax dollars of working Americans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). The Chair will remind Members to address the Chair, the Speaker, and not other persons.

PEACE WEEK

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today to celebrate Peace Week.

The award-winning Peace Week program has brought together three communities I am so proud to represent: Guadalupe, Orcutt, and Santa Maria. During the week, residents of these communities united to show their commitment to creating and building a more peaceful society.

The success of this innovative week is due in no small part to the great contributions made by Sister Janet Corcoran at the Marion Medical Center in Santa Maria.

Sister Janet started this program 3 years ago when she noticed such an increase in the number of victims of violence admitted to Marion's Emergency Room. Sister Janet saw the need for leaders throughout the community to get involved. With their leadership, Peace Week has developed into an effective series of workshops and activities to promote non-violence strategies.

It is fitting that Peace Week corresponds with our own Voices Against Violence Teen Conference here in the Capitol, which includes a young student from Santa Maria. Both are excellent examples of programs aimed at preventing violence.

Peace Week illustrates well how communities can come together and make real change. I am so proud that this is taking place in my district.

''HOUSE CLOBBERS CLINTON TAX BOOST''

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, let me share with my colleagues a headline from the front page of one of the leading newspapers in the country. Today the front page headline in The Washington Times says, ''House Clobbers Clinton Tax Boost.''

That is right. Did my colleagues know that Bill Clinton and AL GORE wanted to raise taxes again? In fact, yesterday this House voted on the $238-billion Clinton-Gore tax increase. And even House Democrats who joined with Bill Clinton and AL GORE in 1993 giving our Nation the biggest tax hike in the history of our country voted against another round of tax increases.

The question I am asked also besides the Bill Clinton tax increases is, is it true that Bill Clinton wants to raid Social Security again? And we recall earlier in the President's budget that he submitted to Congress he called for setting aside 62 percent of Social Security for Social Security and taking the other 38 percent, almost $340 billion of Social Security, and spending it on other things. I would point out this House has rejected that, as well.

My colleagues, we can balance the budget without increasing taxes. We can balance the budget without raiding Social Security.

REPUBLICAN LEADERSHIP CLAIMS THEY ARE SAVING SOCIAL SECURITY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republican leadership is stealing eggs from the hen house while pretending to guard the door. They claim that they are saving Social Security. But their own office, their own office, the Congressional Budget Office, points out that they have already spent $13 billion worth of Social Security money.

Their leadership budget is so full of gimmicks and budget tricks that it would make an accountant cry. In an attempt to fudge the numbers, the leadership created a 13th month so that they can crunch more numbers into the fiscal year.

But the facts are very stubborn things. The Republican leadership is not saving Social Security. They have no plans to do so. The Republican majority leader himself has called Social Security a ''rotten trick'' and ''bad retirement.'' He has called for Social Security to be phased out.

Earlier this year the Republican leadership tried to spend nearly $1 trillion of the surplus on tax breaks for the wealthiest people of this country instead of strengthening Social Security.

SPEAKER OF THE HOUSE DESERVES CREDIT FOR FISCAL DISCIPLINE

(Mr. HILL of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Montana. Mr. Speaker, a year ago the President and the Congress said that we should set aside the future Social Security surpluses 100 percent for Social Security. Then the President startled us all because he came here for the State of the Union and he said let us spend 38 percent of Social Security on 71 new spending programs. Then he submitted a budget that said, no, let us spend 42 percent of Social Security on those new spending programs.

The House rejected that budget and yesterday the House sent a strong message to the President that it was not going to support his tax increase, and last night it appears that the President finally got the message and he has agreed to a budget that will save Social Security.

It appears that we have broken the President's addiction to new taxes and higher spending. I applaud the President for joining Republicans saying we are going to balance the budget, save Social Security, and do without taxes.

But I cannot applaud the minority leader, who still remains addicted to spending and taxes, who press accounts say have instructed Democrats to obstruct the process, vote no on everything, make sure we tie up everything as much as we can.

The person who deserves credit, Mr. Speaker, is Speaker HASTERT who has led us with this fiscal discipline.

SAVE US FROM REPUBLICAN GRAB BAG OF GIMMICKS

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise to express my alarm over the Republicans' handling of the budget.

First they gave us the Robin-Hood-in-reverse strategy, take from the poor and give to the rich. That was a big tax cut for the rich where most of the money went to the wealthiest Americans and regular, average citizens got very little.

When that did not work they now come up with a grab bag of gimmicks. That is $46 billion in gimmicks to disguise the fact that they are in fact raiding the Social Security Trust Fund. They are trying to tell us now that the census is emergency funding. They are trying to tell us that routine military funding is emergency spending, a grab bag of gimmicks.

But third, they now have the fiction of saving Social Security, when the Congressional Budget Office has clearly stated they are already raiding the Social Security Trust Fund to the tune of $13 billion and at the rate they are going they will reach $24 billion.

So save us from their strategy, save us from their gimmicks, and save us from their fiction.

What we need is real cooperation on addressing America's real needs and a sound budget that does not benefit the wealthy.

TALK IS CHEAP—TIME FOR ACTION HAS ARRIVED

(Mr. OSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSE. Mr. Speaker, I rise today to essentially commend the leadership of this House and the administration for getting together and agreeing that Social Security needs to be saved. But the time for talk is done. The time for action has arrived.

The problem that we face is that we have yet to receive a single piece of evidence as to what the administration's plan for saving Social Security is.

We have gone from January 6, the day I arrived here, now 293 days without any evidence whatsoever from the administration as to what their plan is for saving Social Security.

Mr. Speaker, it is unfortunate but true. Facts are facts. There is no plan yet put forward by the administration to save Social Security. Talk is cheap. The time for action is now. Every day older, the further behind we get.

Mr. Speaker, I ask the President to put his plan forward.

VOICES AGAINST VIOLENCE TEEN CONFERENCE

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I would like to recognize the outstanding efforts of three of my constituents who are participating in the Voices Against Violence Teen Conference in the Capitol this week.

Susan Yang is a senior from La Crosse Central High School. Susan has been involved in efforts to curb youth violence and drug use throughout her teens and is a real role model within the Hmong community in western Wisconsin.

Lucas Meyers is a senior at Hudson Senior High School in Wisconsin. Lucas is the student body President and editor-in-chief of his school paper and is a natural leader involved in many aspects of his community and school.

Finally, Sergeant Roger Barnes of La Crosse Police Department, who is a coordinator for the D.A.R.E. and the G.R.E.A.T. programs back home. Sergeant Barnes has dedicated his law enforcement career to the betterment of youth in our community and works tirelessly to see that all our children have better options in their lives.

Mr. Speaker, I ask my colleagues to pay attention to what they and the other 350 students who have assembled here in the Capitol this week have to say at this conference so that we may work together in a bipartisan fashion to implement policy to prevent youth violence in all of our communities.

EDUCATION IN AMERICA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, let us talk education. We can all agree on the need to spend money on our public schools. And I hope we can also agree that America's parents have not been getting their money's worth.

Student achievements continues to lag even as spending rises. A lack of discipline plagues thousands of classrooms. School accountability to parents is sorely missing. Many teachers are not getting the training they need to teach their students what they need to know.

So why do so many liberal Democrats continue to oppose real education reform? How can they say they want strong public schools while they vote for the very regulations that weaken public schools?

These advocates of the status quo are defending the indefensible. They are trapping America's most disadvantaged children in a system that has failed them. And they are putting the future of millions of American children in jeopardy. It is long past time to fix the broken system. It is past time to try new ways of doing things, but it is not too late.

PRESIDENT'S BUDGET ON THE TABLE AND BALANCED

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have listened to some of our earlier speakers this morning and I wonder what their question is and why they do not have an answer.

Mr. Speaker, the President's budget has been on the table, and it is a balanced budget. It does protect Social Security and Medicare. It is interesting that they are on a fishing expedition on the other side of the aisle, looking for the President's budget and wondering what is the direction that this Congress should take.

Well, the one direction we should not take is the gimmickry that we see on

the other side. Republicans will have the kinds of gimmicks that will result in a $13-billion, if you will, deficit resulting on-budget deficit to about $23 billion or $24 billion.

I think there is plain common sense. Adopt the President's budget. Be serious about saving Social Security and Medicare. Stop misrepresenting to the American people. And begin to fund the great needs that we have in this country.

But, most of all, tell our seniors and those who are looking for Social Security that we are committed in a bipartisan way to save Social Security and to save Medicare.

STOP THE RAID ON SOCIAL SECURITY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, as everybody knows, last week the Congressional Budget Office reported that the Federal Government, for the first time in nearly 40 years, avoided spending any of the Social Security Trust Fund forward other Government programs.

I hear this business about $13 billion from the other side. They know that that was based on an inquiry with false presumptions, none of which ever came about.

What I would like to say is, for the first time, the Social Security surplus bottom line is in the black. This in itself is the single-most important budgetary accomplishment that Congress, and I mean all of Congress, has achieved in years.

But we should not lose sight how we got here. In 1995, when the Republican Congress took charge, we organized spending priorities. We got a lot of bipartisan support. All of this was done in an effort to protect the American taxpayers' money and strengthen vital programs like Social Security.

Yet earlier this year, the President proposed dipping into the surplus by $57 billion. Now he is threatening to veto certain bills because they do not spend enough. That is hardly an effort to protect Social Security. Stop the raid on Social Security.

□ 1030

VOICES AGAINST VIOLENCE

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute.)

Mrs. JONES of Ohio. Mr. Speaker, over the past 2 days, students and their chaperons from all over the country have come here to be voices against violence. This poster board has postcards from chaperons across the country. I read one:

Please talk about the importance of developing a new model of education in this country. We now need a longer school day built around a holistic health model with education as a component. Children need to know themselves, feel good about themselves and have a hope about the future. We must have a system that cultivates and nurtures youth to become productive, well-adjusted citizens.

These 2 days have been wonderful days wherein our folk can come to the Hill and they are saying to us, let us get on with funding education appropriately. They are saying, let us deal with violence, let us deal with gun control, and let us see that the children of our Nation are nurtured, well-developed, healthy and have an opportunity to become useful citizens.

PROTECT SOCIAL SECURITY: STOP THE FOREIGN AID RAID

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, we were told all along that the President would veto the foreign operations bill because he wanted to spend more money on foreign aid. And sure enough, he vetoed the bill.

Then we were told that he really did not want to spend more money on foreign aid like we had been told all along, what he really wanted was more money in the bill so he could reduce foreign aid and spend the money elsewhere. Uh-huh.

Look. Republicans in Congress have made a commitment to protect Social Security. We have stopped the 30-year raid on the Social Security trust fund. And we are not about to begin to renew that raid in order to satisfy the President's insatiable appetite for foreign aid spending.

Mr. Speaker, thanks to the Republican Congress, those who receive Social Security benefits today and those who hope to benefit from the Social Security fund tomorrow finally have reason to believe that the trust fund is protected. Let us not return to the bad old days. Let us stop the foreign aid raid.

ON THE GOP BUDGET

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, it is time for a history quiz. Who created Social Security in April 1935?

The answer, a Democratic President and a Democratic-led Congress despite fierce opposition from the Republican Party. In fact, only one Republican voted in favor of maintaining Social Security. Now we are expected to believe that the Republicans are going to save Social Security, something they never wanted in the first place?

Let us just listen to Republican Majority Leader DICK ARMEY. During his first campaign for the House in 1984, ARMEY said that Social Security was a ''bad retirement'' and a ''rotten trick'' on the American people. He continued, and I quote, ''I think we're going to have to bite the bullet on Social Security and phase it out over a period of time.'' That was from the Fort Worth Star-Telegram in 1984.

In January 1985, ARMEY said, and I quote, ''One thing that is very clear to us from the history of the Social Security system in this country is that the Federal Government is incapable of administering a compulsory retirement program in a manner that gives the public a secure and predictable future.''

The GOP's own CBO estimates say that the Republican budget already dips into Social Security by more than $18 billion.

REGARDING FOREIGN OPERATIONS APPROPRIATIONS BILL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in Washington it is important not just to listen to the words people say. It is important to watch what they do.

This week, President Clinton vetoed the foreign ops appropriations bill because he said it did not spend enough money. The President wants Congress to give him more money even though any extra spending would have had to come from the Social Security surplus.

It is revealing that the President would veto a foreign aid bill that spends $12 billion, billions for ensuring peace in the Middle East, millions for fighting disease throughout the world, millions more for fighting the war on drugs, among other things. How much more money does the President need, Mr. Speaker?

Instead of working with Congress to fight the spread of narcotics and to preserve democracy and freedom in the world, the President applied the ink of the veto pen. The President said ''no'' to a reasonable bill and he says he needs more money, higher spending. What else is new?

OPPOSE THE REPUBLICAN STRAIGHT F'S BILL

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, this morning I rise as the former superintendent of my State's schools to express my concerns about H.R. 2300, a bill which the House will consider later this week.

The Republican leadership has labeled this bill the ''Straight A's'' bill.

But as someone who knows a little something about education in this country, I can tell my colleagues that this bill should be called the ''Straight F's'' bill. The Straight F's bill fails our children, it fails our schools and it fails our taxpayers.

Mr. Speaker, I strongly support flexibility in Federal education funds. As a longtime school reformer, I strongly support innovation that will improve education for all of our children. However, this bill fails to meet these standards in several ways.

The Straight F's bill fails our schools by undermining the national commitment to education, the Straight F's bill fails our children by eliminating the targeting of funds to high poverty areas, and the Straight F's bill fails our taxpayers by doing away with accountability standards and allowing tax money to be spent on ways that will not best suit our students.

Mr. Speaker, I call on this Congress to reject H.R. 2300.

We should reverse course and support school construction, teacher training, technology upgrades, after school care, year-round schools, School Resource Officers, character education and class size reduction initiatives that will improve education for our children.

USE THE BIG RED PEN

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, 9 months ago the President of the United States came to this Chamber and delivered his State of the Union message where he proposed a budget that would only save about 60 percent of the Social Security surplus and take the other 40 percent and put it into more spending. And here is where that spending rests in this budget proposed by the President of the United States.

Now, there is good news, Mr. Speaker. Yesterday, the leadership of the House and Senate went to the White House and at long last the President now agrees with the congressional majority. He says he wants to save 100 percent of the Social Security surplus. Now, Mr. Speaker, the real work begins.

Mr. Speaker, I would invite the American people to do as one of our leaders did. Senator LOTT took a big red pen to the White House as a gift when they sat down to talk over the budget and invited the President to go through his massive spending programs and start using the red pen.

Let us cut out wasteful Washington spending, Mr. Speaker. Folks should dial the White House at 202/456–1414 and say, Mr. Speaker, ''Use the big red pen.'' Cut Washington waste.

SOCIAL SECURITY

(Ms. MILLENDER-MCDONALD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. Mr. Speaker, I think I heard last January this President saying that he did not want to do anything with Social Security, that he wanted to put it aside to make sure that it was solvent, that he was not going to use any parts of any Social Security until we have fixed it.

Now, I do remember that. It seems like my Republican colleagues are continuing to say that the President is spending Social Security. It is outrageous for the Republicans to pose as defenders of Social Security, Mr. Speaker, when we know that they have raided the Social Security funds. Remember who these people are. They are the enemies of Social Security. They want to eliminate it through privatization.

Listen to this gimmick. Listen to the rhetoric. Please, American people, remember January of this year, it was the President who said that he did not want to use Social Security funds, that he wanted to ensure Social Security solvency and Medicare reform. Do not listen to the rhetoric of the folks on the other side.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). Members are reminded again that they are to address their remarks to the Chair, to the Speaker.

STATE FLEXIBILITY FOR THE MINIMUM WAGE

(Mr. DEMINT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEMINT. Mr. Speaker, Americans are most secure when they are most free. Because of welfare reform, the poorest Americans in every State have begun to realize the benefits of freedom because we have asked the States to find jobs for people on welfare. The States have responded. In fact, the number of people on welfare in my home State of South Carolina has fallen by 63 percent in just 3 years. Over 70,000 South Carolinians now have productive jobs and have been set free from government dependency.

I believe it is time to give our States more flexibility so they can build upon these successes. It is time to trust our States with the minimum wage.

Mr. Speaker, another increase in the national minimum wage will make it harder to get people off of welfare. One size does not fit all and Washington does not know what is best for every State.

I urge my colleagues to support State flexibility for the minimum wage and help secure the future for Americans now on welfare.

VOICES AGAINST VIOLENCE

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, there is a wonderful event going on in Washington, D.C. these past 2 days, and this is the Voices Against Violence event which is sponsored under the leadership of Democratic Leader DICK GEPHARDT.

Under this event, a number of young people, over 350, and their chaperons, have come to Washington to discuss the issue of violence in schools and safety in schools. I am proud to announce that our own representative, which ironically came the farthest to Washington for this, Joanna Manuel, a 10th grader at Simon Sanchez High School, and her chaperon, Mrs. Jennifer Shiroma, are avidly participating in Voices Against Violence.

As a former high school administrator, I know full well that the key to education is feeling safe and secure, particularly at the secondary school level where there are so many issues that young people have to attend to, so many temptations as they go through their development and trying to find their way in life and trying to learn content at the same time.

I want to congratulate the Democratic leadership for this fine event.

SOCIAL SECURITY LOCKBOX HELD HOSTAGE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, yesterday congressional leaders and the President agreed not to raid Social Security funds to pay for next year's government spending. I wholeheartedly congratulate them on this agreement. Social Security was created in 1935 for the purpose of protecting senior Americans, not as a pool of cash accessible to those wishing to grow big government.

Mr. Speaker, this House approved my Social Security lockbox legislation 145 days ago. Yet, on six separate occasions, the minority party in the other body has voted to stop this Social Security lockbox legislation from even coming to the floor for a vote.

Mr. President, please join me in calling for the other body to free our Social Security lockbox bill they have held hostage for 145 days.

DEMOCRATS WILL PROTECT SOCIAL SECURITY

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, today I rise to tell you that

our friends on the other side of the aisle have picked the lockbox on the Social Security lockbox that they talk about so much. As Democrats, we have said that we would protect Social Security. We have done that in our votes and we have shown that consistently. That is not the case with our friends on the other side of the aisle.

Let us take the case of the $18 billion; $18 billion of gimmicks. One of them, almost a third of that is the U.S. census which has been in existence since this Nation started. That is not an emergency. They have said we have $18 billion in emergencies. These are not emergencies. They are gimmicks.

What we need to do is focus in this body on making sure we do not raid Social Security, we do not rely on gimmicks, and we be truthful with the American people.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 349, nays 57, answered ''present'' 1, not voting 26, as follows:

[Roll No. 515]

YEAS—349

Abercrombie	Buyer	Doyle
Ackerman	Callahan	Dreier
Allen	Calvert	Duncan
Andrews	Campbell	Edwards
Archer	Canady	Ehlers
Armey	Cannon	Ehrlich
Bachus	Capps	Emerson
Baker	Capuano	Engel
Baldacci	Cardin	Eshoo
Baldwin	Carson	Etheridge
Ballenger	Castle	Everett
Barcia	Chabot	Ewing
Barr	Chambliss	Farr
Barrett (NE)	Chenoweth-Hage	Fletcher
Barrett (WI)	Clayton	Foley
Bartlett	Clement	Forbes
Barton	Coble	Frank (MA)
Bass	Collins	Franks (NJ)
Becerra	Combest	Frelinghuysen
Bentsen	Condit	Frost
Bereuter	Conyers	Gallegly
Berkley	Cook	Ganske
Berman	Cooksey	Gejdenson
Berry	Coyne	Gekas
Biggert	Cramer	Gephardt
Bilirakis	Cubin	Gibbons
Bishop	Cummings	Gilchrest
Blagojevich	Cunningham	Gilman
Bliley	Davis (FL)	Gonzalez
Blumenauer	Davis (VA)	Goode
Blunt	Deal	Goodlatte
Boehlert	DeGette	Goodling
Boehner	Delahunt	Gordon
Bonilla	DeLauro	Goss
Bonior	DeLay	Graham
Bono	DeMint	Granger
Boswell	Deutsch	Green (WI)
Boucher	Diaz-Balart	Greenwood
Boyd	Dicks	Hall (OH)
Brady (TX)	Dingell	Hall (TX)
Brown (FL)	Dixon	Hansen
Brown (OH)	Doggett	Hastings (WA)
Bryant	Dooley	Hayes
Burr	Doolittle	Hayworth
Herger	McHugh	Sandlin
Hill (IN)	McInnis	Sanford
Hinchey	McIntosh	Sawyer
Hinojosa	McIntyre	Saxton
Hobson	McKeon	Schakowsky
Hoeffel	McKinney	Scott
Hoekstra	Meehan	Sensenbrenner
Holden	Meeks (NY)	Serrano
Holt	Menendez	Sessions
Hooley	Metcalf	Shadegg
Horn	Mica	Shaw
Hostettler	Millender-McDonald	Shays
Houghton	Miller (FL)	Sherman
Hulshof	Miller, Gary	Sherwood
Hunter	Minge	Shimkus
Hyde	Mink	Shows
Inslee	Moakley	Shuster
Isakson	Mollohan	Simpson
Istook	Moran (VA)	Sisisky
Jackson (IL)	Morella	Skeen
Jackson-Lee (TX)	Murtha	Skelton
Jenkins	Myrick	Slaughter
John	Nadler	Smith (MI)
Johnson (CT)	Napolitano	Smith (NJ)
Johnson, E. B.	Neal	Smith (TX)
Johnson, Sam	Nethercutt	Smith (WA)
Jones (NC)	Ney	Snyder
Jones (OH)	Northup	Souder
Kanjorski	Norwood	Spence
Kaptur	Nussle	Spratt
Kasich	Obey	Stabenow
Kelly	Olver	Stark
Kennedy	Ortiz	Stearns
Kildee	Ose	Stenholm
Kilpatrick	Owens	Stump
Kind (WI)	Packard	Sununu
King (NY)	Pascrell	Sweeney
Kingston	Pastor	Talent
Kleczka	Paul	Tanner
Knollenberg	Payne	Tauscher
Kolbe	Pease	Tauzin
Kuykendall	Pelosi	Terry
LaFalce	Peterson (PA)	Thomas
LaHood	Petri	Thornberry
Lampson	Pickering	Thune
Lantos	Pitts	Tiahrt
Largent	Pombo	Tierney
Latham	Pomeroy	Toomey
LaTourette	Porter	Towns
Lazio	Portman	Traficant
Leach	Price (NC)	Turner
Lee	Pryce (OH)	Udall (CO)
Levin	Quinn	Upton
Lewis (KY)	Radanovich	Velázquez
Linder	Rahall	Vitter
Lofgren	Rangel	Walden
Lowey	Regula	Walsh
Lucas (KY)	Reyes	Wamp
Lucas (OK)	Reynolds	Watkins
Luther	Rivers	Watt (NC)
Maloney (CT)	Rodriguez	Waxman
Maloney (NY)	Roemer	Weldon (FL)
Manzullo	Rogers	Weldon (PA)
Markey	Rohrabacher	Wexler
Martinez	Ros-Lehtinen	Weygand
Mascara	Rothman	Wicker
Matsui	Roukema	Wilson
McCarthy (MO)	Roybal-Allard	Wise
McCarthy (NY)	Royce	Wolf
McCollum	Ryan (WI)	Woolsey
McCrery	Ryun (KS)	Wu
McGovern	Sanchez	Wynn
		Young (FL)

NAYS—57

Aderholt	Gutknecht	Peterson (MN)
Baird	Hastings (FL)	Phelps
Bilbray	Hefley	Pickett
Borski	Hill (MT)	Ramstad
Brady (PA)	Hilleary	Riley
Clay	Hilliard	Rogan
Clyburn	Klink	Sabo
Coburn	Kucinich	Schaffer
Costello	Lewis (GA)	Strickland
Crane	Lipinski	Stupak
Crowley	LoBiondo	Taylor (MS)
DeFazio	McDermott	Thompson (CA)
Dickey	McNulty	Thompson (MS)
English	Meek (FL)	Thurman
Evans	Miller, George	Udall (NM)
Filner	Moore	Vento
Ford	Moran (KS)	Visclosky
Gillmor	Oberstar	Waters
Green (TX)	Pallone	Weller

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—26

Bateman	Fowler	Salmon
Burton	Gutierrez	Sanders
Camp	Hoyer	Scarborough
Cox	Hutchinson	Taylor (NC)
Danner	Jefferson	Watts (OK)
Davis (IL)	Larson	Weiner
Dunn	Lewis (CA)	Whitfield
Fattah	Oxley	Young (AK)
Fossella	Rush	

□ 1108

So the Journal was approved.

The result of the vote was announced as above recorded.

CONFERENCE REPORT ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 335 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 335

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2670) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. BEREUTER). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 335 is a typical rule providing for consideration of H.R. 2670, the conference report for the Commerce, State, Justice appropriations bill for fiscal year 2000.

The rule waives all points of order against the conference report and its consideration, and provides that the conference report shall be considered as read.

House rules provide 1 hour of general debate divided equally between the chairman and the ranking minority member of the Committee on Appropriations and one motion to recommit with or without instructions, as is the right of the minority.

I want to discuss briefly the conference report that this rule makes in order. The conference report appropriates a total of $37.8 billion for the Departments of Commerce, Justice and State, the Federal judiciary and 18 related agencies, and focuses on the enhancement of numerous crime enforcement and crime reduction initiatives.

First, I want to say that I am pleased that the bill provides $3 billion for State and local law enforcement assistance so that local officials can successfully continue their efforts to fight crimes against our citizens. This provision is $37 million more than last year, including $287 million for juvenile crime and prevention programs; $523 million for the Local Law Enforcement Block Grant program, which was terminated in the President's request; $250 million for the Juvenile Accountability and Intensive Block Grant, which was also terminated in the President's request; $686 million for Truth in Sentencing State Prison Grants, which the President also requested we terminate.

Conferees also provided $552 million for the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant program, which was $92 million more than the President requested.

I am also pleased that the committee has provided $3 billion in direct funding, a $460 million increase over FY 1999, to enforce our immigration laws. The conferees have included funding for 1,000 new border patrol agents, increased detention of criminal and illegal aliens, and the continuation of naturalization backlog reduction and interior enforcement initiatives. The conference report also includes $585 million to reimburse States for the incarceration of illegal aliens.

Finally, I want to point out the good work done by the committee in providing $1.3 billion for the Drug Enforcement Administration to continue the fight against drugs in our neighborhoods. This $70 million increase over last year indicates our commitment to win the war on drugs, and I commend the committee for this increase and funding enhancements to bolster this Nation's enforcement strategy and drug intelligence capabilities.

This rule was favorably reported by the Committee on Rules yesterday. I urge my colleagues to support the rule today on the floor so we may proceed with the general debate and consideration of this important conference report.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

This rule waives all points of order against the consideration of the conference report on H.R. 2670. Though better than the original House version, the conference report falls very short. The President has not agreed to sign it. This bill slashes spending in the community-oriented policing program which helps local law enforcement agencies hire more police officers and reduce crime. It drops the Hate Crimes Prevention Act, which was included in the Senate version of the bill. This provision is aimed at reducing crimes motivated by hatred and bigotry.

Most disappointing to me is the requirement in the bill that United Nations arrearage payments are subject to an authorization. Our country must pay the back dues we owe to the United Nations. This funding is too important to hold it hostage to an authorization bill that might or might not ever pass.

□ 1115

The United Nations is running out of money at a time when demand is greater for its peace-keeping activities. We all know about the horrible tragedies in Kosovo and East Timor and Sierra Leone. In all of these cases, the U.N. played a critical role in reducing military conflict and saving lives. Failure to pay our dues will ultimately hamper the U.N.'s ability to maintain its role as a world peacekeeper. Lives are at stake.

I recently met with U.S. Ambassador to the U.N. Richard Holbrooke. He has made payment of the U.S. debt to the U.N. one of his top priorities. Mr. Speaker, our integrity is at stake. The United States owes the money to the U.N.

Our ability to influence world decisions is at stake. Unless we pay our back dues, the United States will lose our vote in the General Assembly.

Our honor is at stake. Our position as a world leader will be diminished if we turn our back on the United Nations.

This is not a question of money. The money is already in the bill. The question is whether this Nation is going to stop playing games and pay our debt.

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

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of both the rule and the conference report, and I thank my friend, the gentleman from Atlanta, Georgia (Mr. LINDER), for yielding me the time.

I want to compliment the gentleman from Kentucky (Chairman ROGERS) for the superb job he has done in what is obviously a very difficult and challenging situation.

This bill is a very important measure as we look at a number of critical items that are out there for us to address.

First and foremost for me, as a Californian, I have got to say that the $585 million that is included in here for the State Criminal Alien Assistance Plan, known as SCAAP, is very, very high on our priority list, because if we look at the problems of illegal immigration, which have been very great, the Federal Government has a responsibility to step up to the plate and meet those obligations. They should not be thrust onto the shoulders of State and local taxpayers.

The other issue that is very key is that of international trade. Also as a Californian, I have got to say that our State is the gateway to the Pacific Rim and Latin America. Within this bill are very important items dealing with the facilitation of international trade, creating new exports for new markets for U.S. products and services.

We have just gotten the report this morning of the strengthening of economies in the Pacific Rim; and through that, they have been able to purchase more U.S. goods and services. We need to do what we can to facilitate that, and that is done in this bill.

Also, another issue that is of very great importance to me and for us nationally in looking at situations that exist around the world, back in 1985, Ronald Reagan envisioned the establishment of the National Endowment for Democracy. It was to say that simply dealing with weapons systems was not going to bring about freedom and political pluralism. We had to put into place the infrastructure, the institutions that are necessary for political pluralism to succeed. In fact, this bill does just that.

The National Endowment for Democracy has had great success all over the world. One of the countries we spend a great deal of time talking about happens to be the problems that exist in the People's Republic of China.

One of the core groups within the National Endowment for Democracy is the International Republican Institute. Last night, there was a very important freedom dinner that was held. I will say that I serve on the board of that organization, and we have participated in 50 village elections since 1994 in the People's Republic of China. We have been encouraging non-Communist candidates there. We have had success at letting people see for the first time that they can participate in those kinds of political organizations. So this is a very important measure. It deserves our support.

The rule is a very fair and standard rule for consideration of this sort of conference report, and I hope my colleagues will support both.

Mr. HALL of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY), who is the former chairman of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, the two gentlemen who will handle this bill shortly are both good legislators, and I regard them both as good friends of mine. I think that they are bringing a conference bill back to the House which is a far better bill than the one that left the House. I wish I could vote for it, but I cannot. I would like to explain the five reasons that require me to vote ''No.''

First of all, there is not nearly enough money in this bill for the President's top anticrime priority, the Cops on the Street bill. I know that the majority will cite various marginally or unrelated programs to try to pump up artificially the impression that they have put a lot of money in this bill for cops, but the hard reality is that, out of $1.275 billion, that is, 1 billion 275 million dollars, that the President has asked for this program in new money, he is only getting $325 million. That is not enough. He is also not getting the funds he asked for for community prosecutors.

Second reason, this bill, in a sense, has walked into an accident that started out to happen to somebody else. This bill tries to fund a lot of worthwhile programs, but it does so with some pretty incredible gimmicks.

Example, we have to do a census under the Constitution every 10 years. This bill avoids counting $4 billion in spending under the budget ceiling by designating the census funding as being emergency spending. I guess we did not know that the clock was going to tick and that we were going to run into another 10-year census requirement.

There are other gimmicks. We have delayed obligations for the crime victims' fund. We have budget authority which seems to have materialized out of authority. It has really been pulled out from other bills, including Foreign Operations and Labor, Health and Social Services, I suppose, which makes it more difficult to meet those obligations.

Thirdly, this bill waives the Endangered Species Act in the case of the controversy involving Alaska salmon. I find that a quaint provision to be in this bill, and I think persons interested in that issue will be startled to find it here.

Fourth, this bill resurrects an old debate that was on the Treasury, Post Office appropriation bill. It resurrects an old provision that limits the contraceptive services available to Federal employees in order to try to mollify a Member who was unhappy with the result of the conference on the Treasury, Post Office bill. That has no business on this bill, and I think it will cause considerable controversy because it is attached.

Fifth, I would ask my colleagues one question: What do the following six countries have in common, Burundi, Somalia, Iraq, Haiti, Dominica, and the United States of America? The answer is, thanks to this bill, they will all lose their vote in the United Nations.

The other five countries have already lost their vote. The United States will lose its vote because, while it appropriates the funds that are necessary to pay our back-due bills at the United Nations, it does not give the authorization to spend those funds until other legislative decisions are made. As we well know, those decisions have been hung up for 2 years.

So we have the continued spectacle of a majority party which has an obligation to govern in conjunction with the President, instead, throwing roadblocks in his way when it comes to foreign policy. The same party that blew up the Test Ban Treaty last week, the same party whose leader in the other body, or deputy leader, who told the President, standing 6 feet away from him in the White House, that we had no business engaging in military action against Mr. Milosevic. Then after we had a successful conclusion in that operation, he then went to the press and attacked the President for agreeing to a settlement that left Mr. Milosevic in power. Now, that is the fastest U-turn I have seen in my life in this place.

The same party that held up our contributions to the International Monetary Fund at a time we desperately needed to try to stabilize the currency situation in Asia last year in order to protect our own economy. That same party is now saying that we are going to continue to withhold our funds from the United Nations because of an unrelated dispute with the President. That to me is illegitimate, and those are the reasons why this bill is going nowhere. When it leaves here, this bill will be vetoed by the President. When it is vetoed, it will be sustained.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he might consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I thank the gentleman from Georgia for yielding this time. I want to take a couple of minutes only at this point in the debate. I will reserve my main argument until we get to the bill itself.

But I wanted to correct a couple of statements that the gentleman from Wisconsin (Mr. OBEY) has just made. In the COPS program, one of the sticking points, admittedly, with the administration, the House-passed bill contained $268 million. We agreed to the Senate version, which is $325 million. But on top of that, we freed up another $250 million in carryover funds that were not being spent last year into the COPS program. On top of that, we then added an additional $150 million which the administration requested in the COPS technology program. We funded that under the COPS program.

So lo and behold, all of a sudden, in the COPS program, there is not the $325 million the gentleman from Wisconsin (Mr. OBEY) just said there was. There is $725 million.

We have gone a long way toward meeting the administration's problem with this bill. We have gone more than halfway. I would hope that the administration and the gentleman from Wisconsin (Mr. OBEY) would compliment us for that and, in fact, would quit this rampage against this and all other spending bills, and realize there is an effort here to try to meet them halfway and be reasonable.

We are trying to be fair with them. When we offer them fairness, they come back with this tirade. I do not understand that kind of business.

The gentleman from New York (Mr. SERRANO) on the subcommittee, my ranking Democrat, has been perfectly capable in working with us. He has worked in a bipartisan, nonpartisan way, as have we. With reward for that, what we get from the gentleman from Wisconsin (Mr. OBEY) is a tirade. I do not work that way. We have tried to go more than halfway on the COPS program, and we have.

Now, all the appropriators can do, speaking of U.N. arrears, all we can do is provide money. The gentleman from Wisconsin (Mr. OBEY) knows that above anybody. He is ranking on the full committee. We have laid the money on the table, every single penny that it would take to pay off our arrears at the U.N. We all want to do that. We laid the money on the table. We are not the authorizing committee.

What is the Committee on International Relations of the House? It is the authorizing committee. We said, here is the money. Pass an authorization bill, and it will be paid. All we can do is offer the money. We have done that. Every single penny to pay the U.N. arrears is laying on the table. All they have to do is reach down, pick it up and pay that bill, and it is all over with.

In addition, we have provided every single penny for our current dues to the U.N. It is laying there ready to be paid when the President signs the bill.

□ 1130

All he has to do is sign this bill. We will pay the U.N. current assessment, and we will pay the arrears. The President, and the gentleman from Wisconsin (Mr. OBEY) should recommend it to him; he can sign the bill. The money is laying there. All he has to do is reach down and pick it up. No worries about the votes in the U.N., no worries about current assessments. All is at peace with the world. Just pick it up and take it and pay the bills.

So I find it strange, I find it partisanly strange, that the gentleman from Wisconsin takes the floor in a tirade against a bill that we have gone so far in being fair in addressing the concerns of the White House. And if the bill is vetoed, I assure the gentleman this bill will come back in a much different form.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY) to respond.

Mr. OBEY. Mr. Speaker, I would simply say if the gentleman from Kentucky thinks I launched a tirade against this bill, he has not seen me when I am in a tirade mode.

Let me simply say that what the gentleman has just said is incorrect. He says all we can do is provide the money. It is not the money that is holding this up. The committee has put in the money and then it has refused to waive the requirements for authorization, although it has provided waivers for many other authorization requirements in the bill. That is number one point of inconsistency.

The second point of inconsistency is simply that then, contrary to what the gentleman said, his own committee has gone beyond the authorization and interposed additional conditions of its own which must be met for the release of those funds, conditions which the gentleman well knows cannot be met, in part because Congress was so obstructive on this matter last year and prevented the United Nations from taking the actions necessary to free up the money.

Mr. LINDER. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. BEREUTER). The gentleman from Georgia (Mr. LINDER) has 20 minutes remaining, and the gentleman from Ohio (Mr. HALL) has 19 minutes remaining.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS), my colleague on the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to talk about one very positive element in this underlying bill, and I support the rule and the underlying bill and would like to congratulate the gentleman from Kentucky and the gentleman from New York for their efforts on this legislation.

Mr. Speaker, on the night of September 7 in Pasco, Washington, tragedy struck when a Washington State Patrol Officer, James Saunders, was shot and killed in the line of duty while making a routine traffic stop. The suspect in the shooting was an illegal alien who had a history of criminal convictions in this country. In fact, the suspect had been deported three different times by the U.S. Border Patrol and was detained once again this year on a cocaine charge. However, instead of remaining in jail under detention, he was allowed to post bail and was released. This tragic mistake cost Trooper Saunders his life.

How could this criminal be set free? The details of his release are still coming to light; but unfortunately, it appears that the border patrol officer who had detained the suspect in the past was transferred to Arizona and unable to identify the suspect and place him in immigration detention. We must ensure that these ill-conceived transfers of agents that needlessly remove knowledgeable agents from a post for extended periods of time do not continue. It is time to stop robbing Peter to pay Paul in our border enforcement strategy.

Just 1 week before the tragic death of Trooper Saunders, I joined my colleagues, the gentleman from Washington (Mr. METCALF) and the gentleman from Washington (Mr. NETHERCUTT), in a letter to INS Commissioner Doris Meissner stating our disappointment that she had reinstated these inappropriate transfers from the northern border to the southern border. As a result of these transfers, our northern border is understaffed, leading to decreased enforcement. I am deeply saddened and outraged that our concerns were proved true by the killing of Trooper Saunders.

Mr. Speaker, nothing in this legislation nor anything that this House considers can bring back Trooper Saunders or help his pregnant wife and 2-year-old daughter come to terms expressing his unnecessary death; but we can ensure that the border patrol is given adequate manpower and resources to keep illegal aliens locked up until deportation and ensure that, once deported, these illegal aliens do not reenter the United States.

The underlying legislation goes a long way towards ensuring this goal. The fiscal year 2000 conference report contains funding for 1,000 new border patrol agents and increases detention for criminal and illegal aliens. I urge the committee to ensure that this year the INS goes forward with the mandate to strengthen our border patrol by hiring those officers as soon as possible. We must do everything possible to hopefully spare another community the senseless tragedy the family of Trooper Saunders and the local citizens must now endure.

Once again I congratulate the chairman and the ranking member for an excellent piece of legislation and urge support of the rule and the underlying legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes and 10 seconds to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise to address an issue of critical importance to our Nation, the upcoming decennial census of the population of the U.S., a constitutionally mandated activity, which will be the largest peace-time mobilization ever undertaken by our Nation.

The administration requested $4.5 billion this fiscal year in order to count everyone in our country. The conference report before us today contains all but about $11 million of that request, and I commend the gentleman from Kentucky (Mr. ROGERS) and the ranking member, the gentleman from New York (Mr. SERRANO) for their hard work with the other body in providing the necessary funds.

I also commend the chairman in that this bill contains none of the onerous, contentious language prohibiting the use of modern statistical methods which has been in previous CJS conference reports. While this report still designates the funding for the 2000 census as emergency funding, if all the funding was not there, then it truly would be an emergency. So I am glad the funding is there, whatever the designation.

However, a number of important problems remain. First and foremost is the language in the conference report regarding frameworks which would require the Census Bureau to go through a long and complex process before shifting money from one activity in the decennial census to another, for example, for spending money on census takers or additional computers.

Such congressional micromanagement is unprecedented in the decennial census. A programming request could take months. In fact, the most recent request in the Commerce Department took 7 months. But the 2000 census cannot possibly operate under that kind of framework. The census is a massive undertaking which must be completed on an extremely tight time frame. A Congress of 535 Members cannot possibly make the decisions necessary or quickly enough to cover the unpredictable events which might occur.

In conclusion, this restrictive language must be removed, and, hopefully, the President will remove this language when he vetoes this bill. I call upon my colleagues to vote against the bill for the funding for the U.N. and the cops on our streets.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS) for the purpose of a response.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding me this time.

If the gentlewoman would hear me. The gentlewoman is concerned about the earmarked monies by category in the census appropriations. The gentlewoman would understand that is what we do in every agency. That is a routine practice of the Congress, when the gentlewoman was in the majority and as well here. We are an oversight committee. That is done in every single agency that we have.

I talked to the Director of the Census a few days ago about, he was concerned, and I assured him that that is an oversight matter that the Congress does in every agency that we fund, and that if he needed to reprogram monies from one account to the other, we can do it in a matter of hours, really, days at most. It just requires the signature of myself and my counterpart in the Senate.

We want to see a good count. We have not insisted on a banning sampling. All the money is there. We will

reprogram the monies as necessary during the year. We do it routinely in other agencies, dozens of requests come to our desk to reprogram funds. That is not a problem, and I think the director understands that.

I would hope the gentlewoman would not vote against the conference report on that account because that is a routine practice of the Congress.

Mrs. MALONEY of New York. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. The Director of the Census, Dr. Prewitt, is very concerned about this restrictive language. The framework language was in report language before; now it has been legislated, which is more restrictive.

Mr. ROGERS. Reclaiming my time, Mr. Speaker. As I said, I talked to the director a few days ago. I think we resolved that problem. Perhaps the gentlewoman needs to talk to him now.

Mr. HALL of Ohio. Mr. Speaker, I yield 10 seconds to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I appreciate the gentleman's attention to this matter. When the President vetoes this bill, I hope the gentleman will accept the language that will remove the framework restrictive language on the census from the report, but I appreciate the gentleman's other efforts.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time, and I rise to emphasize the point my colleague from New York has just made. I do so in gratitude to the gentleman from Kentucky, whose efforts have been to make sure the census is fully funded in a way that will allow for timely execution on the very tight timetables that remain between now and its conclusion next year. I want to thank him for his concern.

Mr. Speaker, I just simply would like to add to what the gentlewoman from New York said by quoting from a letter from the Director of the Census when he says, ''Congressional approval in the form of a reprogramming would be required for any movement of funds between decennial program components. This is a dramatic departure from past practices and takes place at precisely the time when Census 2000 activities peak, when the need for program flexibility is most crucial. If the need to obtain congressional approval significantly delays the transfer of funds, Census 2000 operations could be compromised.''

I lived through the 1990 census. We went through a time when the economy was far more fragile than it is today. The difficulty in recruiting and retaining sufficient numbers of adequately prepared workers in differential ways across the country was an enormous problem. At that time it required actual additional enactments of authorizing legislation to permit the Bureau the flexibility in order to respond to that. If they do not have that kind of flexibility, which was initially built into the plans for this census, then I am concerned that the problem that was significant 10 years ago will be multiplied many, many times because of the vast differences in unemployment rates across the United States.

So I would only ask that the gentleman from Kentucky, as we revisit this language in coming weeks, would consider that and find alternative ways to develop more controls.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, if the gentleman from Ohio would stay at the microphone, I will try to respond.

The frameworks that the gentleman is talking about, where we have placed specific amounts of monies in each framework, one of those frameworks is $3.5 billion. The Congress, as the gentleman well knows, exercises oversight through the Committee on Appropriations of every agency that we fund, including the Census Bureau. And I think that is the duty to the taxpayers that we owe to oversee these agencies, particularly one with the leeway to spend $3.5 billion with no accounting to the Congress. The reason it is in bill language is because in the past, with report language, they simply ignored the Congress. We simply cannot let that happen again.

Now, I will say this to the gentleman. If the Director of the Census Bureau, during the course of the year, needs to reprogram monies from one account to the other through the reprogramming process, it only requires the signature of the chairman of the House subcommittee, myself, and my counterpart in the Senate. I assured the director and I assure the gentleman that if that reprogramming request is in order and is legitimate and needed, he will have the approval within 72 hours, maximum, of the time he requests it.

There will be no huge delays. There will be no harassment. There will be no intimidation or anything of that sort. But there will be some oversight. I think the gentleman, as a Member of this body, would want the Congress to exercise oversight over every agency that we fund of the executive branch, because that is our duty under the Constitution.

□ 1145

I would hope the gentleman would recognize that that is necessary in this respect.

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

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

Mr. SAWYER. Mr. Speaker, I thank the gentleman for yielding. I appreciate his assurances. I have no reason to doubt his good faith. The way in which he has brought the initial funding for the census to this floor reflects that good faith.

I simply hope that, in coming weeks, we will pay close attention and that they will have the opportunity to go back and forth, as they have, with the census director so that we can make sure we get this language right.

Mr. ROGERS. Mr. Speaker, reclaiming my time, I shall stay in touch with the Census Bureau Director, and we will respond to his legitimate need.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me the time.

Mr. Speaker, let me acknowledge the bipartisan work of the ranking member and chairman of this committee. I appreciate their attempt to work together.

I am, unfortunately, opposing this bill on several accounts. Because of the brevity of the time, let me just cite the short funding, if you will, $300 million plus, to the President's $1 billion request for ''Cops on the Beat.''

It is evident that in the last 24 to 48 hours, with the reports coming out on the decrease in crime, that the ''Cops on the Beat'' had to be a very vital aspect of that even in my own home community. In the Montrose area, the 18th Congressional District, they note that they have been able to have a neighborhood police station because of ''Cops on the Beat.''

What a tragedy. How long are we going to say to the world, we want to be a player but we refuse to pay our debt and our responsibility in the United Nations?

As much as we may critique the United Nations, it is a world forum for discussions that help to alleviate the various wars and breakouts that we would have if we had not had the United Nations. What a shame on us.

Additionally, the hate crimes bill, I am absolutely shocked that we could not get the hate crimes legislation added. The Senate passed it. It is the right thing to do. It is a statement on behalf of the American public that we abhor hateful acts and violent acts against individuals.

Then I would like to just lastly focus on, as a member of the authorizing committee for the INS, my concern about the distribution of funds in the separate agencies, giving $900 million to enforcement but yet $500 million only to the citizen activities.

The gentleman from Illinois (Mr. HYDE) and myself and others were in Chicago just a few weeks ago hearing the crying of so many individuals who are appalled at the long wait and long lines of getting processed the legal way. If we want to promote legal immigration, then we need to do it the legal way.

A thousand border patrol agents what the INS told us, we cannot recruit. We do not have enough individuals out there. With the thousand border patrol agents, let me say that all of us had pain in our hearts with the Resendez-Ramirez situation. I come from Texas. But the INS has indicated that it is very difficult to recruit at these salary levels.

Although I appreciate the recruitment incentives, the recruitment agency, the bonus incentives, I do question whether or not we could have considered raising the GS level of the hiring individuals and whether or not we should have done it in that way.

Mr. ROGERS. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, the gentlewoman from Texas (Ms. JACKSON-LEE) would be happy to hear that we funded every single penny the administration requested for the services in the INS. Every penny they wanted, they got.

Ms. JACKSON-LEE of Texas. Mr. Speaker, reclaiming my time, it may be that the administration does not realize the great need out there. I appreciate the funding of what the administration has required.

Mr. ROGERS. Mr. Speaker, if the gentlewoman will continue to yield, I cannot argue with the characterization of the gentlewoman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, but I am out in the field and I see the pain of the people who are waiting in line.

I would simply say that there are things that we could have done a little better, Mr. Speaker, on the INS funding. I hope we can fix the INS as everyone else can.

Mr. LINDER. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Georgia for yielding me the time.

Mr. Speaker, I rise in support of the rule and the conference report for the Commerce, Justice, State appropriations.

This bill is a testament to the leadership and the dedication of the subcommittee chairman, the gentleman from Kentucky (Mr. ROGERS) and of the gentleman from Florida (Chairman YOUNG) of the full Committee on Appropriations. It is a shining example of the commitment and cooperative spirit between the majority and the minority, who worked diligently to bring before us a bill which effectively addresses recent developments and ensuing concerns by providing the necessary funding for three important agencies of our U.S. Government.

This bill provides a total of $18.4 billion for the Department of Justice. It restores key programs. It funds increases to maintain current operating levels of critical law enforcement agencies and increases funding for State and local law enforcement by actually $1.4 billion over the President's request. It provides $3.5 billion more than fiscal year 1999 to the Department of Commerce and to the Census Department.

This bill before us addresses the threats also posed to our overseas facilities and to our brave men and women in diplomatic and counselor corps by including $568 million for the reconstruction and strengthening of our posts overseas.

These worldwide security improvements and replacements of vulnerable embassies started in fiscal year 1999 with emergency funding and will continue thanks to the foresight and leadership of the gentleman from Kentucky (Mr. ROGERS) and the gentleman from Florida (Mr. YOUNG) and the members of that subcommittee.

Lastly, this bill ensures that our concerns worldwide will be met. It is a just and balanced bill which merits our full support. I am proud to be voting in favor of the rule and the conference report this afternoon.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise today in opposition to the rule and the underlying conference report on the Commerce, Justice, State appropriations bill.

I oppose this bill because it drastically cuts one of our most important crime prevention programs we have today, the COPS program. Since its creation in 1994, the COPS program has awarded over $6 billion in grants to law enforcement agencies nationwide. And in May of this year, the program has funded its 100,000th police officer, a year and a half ahead of schedule and $2.5 billion below the authorized funding.

These officers work with the communities to fight crime in our cities, our suburbs, and even in the vast rural district of my northern Michigan district.

The COPS program not only adds these officers to the front line to fight crime, it funds important community prosecution, crime prevention, and law enforcement technology initiatives. These programs are crucial to ensuring that our families live in a safe community.

Crime rates have been falling over the last several consecutive years, and we cannot now rest on our laurels. We need to build on the success of the COPS program. And it is successful.

Local law enforcement officials from all over the country will tell us that the COPS program is critically important to their ability to reduce crime. The COPS program works well, and that is why it is supported by every major law enforcement organization in the United States, the United States Conference of Mayors, the National League of Cities, and the National Governors' Association.

The President, who recognizes the importance of this community policing program in reducing crime, has requested $1.3 billion for the COPS program. Instead, unfortunately, the conference committee does not meet the President's request in the need of law enforcement, especially in the COPS in School program.

Mr. Speaker, this bill ignores our communities' urgent call for more police officers in the streets and in our schools to fight crime and violence.

I will vote in favor of safe communities and against the majority's attempt to roll back our successful battle against crime. Vote against the bill and the rule.

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

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

Mr. ROGERS. Mr. Speaker, I hope the gentleman from Michigan (Mr. STUPAK) realizes that the bill contains $725 million for programs which the President has requested in COPS. The authorized level is only $268 million. We are funding it at $500 million more than the authorization level.

In fact, the $325 million that we agreed to with the Senate was the amount that Senator BIDEN had asked for on the Senate side, and the Senate approved that, and we agreed to that.

Mr. STUPAK. Mr. Speaker, reclaiming my time, if I may, to answer the question of the gentleman. The President's request was $1.3 billion. And I agree, they did put in 725. That is about half of it.

The COPS program is more than just police officers. It is COPS in School, it is the Youth Firearms Violence Initiative, community policing to combat domestic violence, anti-gang initiative.

Those programs have not been adequately funded to meet the President's request. I thank the gentleman for his leadership on that issue. I wish we had more funding for it.

Mr. LINDER. Mr. Speaker, for the purpose of response, I yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding.

What we did on COPS, if the gentleman would like to hear this, we agreed to the amount that Senator BIDEN on the Senate side, a Democrat,

asked for. Plus we added on top of that $250 million in carry-over funds which were not being spent. On top of that, we also agreed to $150 million more for the COPS program for the technology portion the Administration requested under the COPS program. For a total of $725 million.

That is twice what Senator BIDEN on the Senate side asked for, and it is almost $500 million more than the authorization by law that exists in the Congress.

Now, on top of that, we also provided $523 million for the local law enforcement block grant, which I am sure the gentleman would want his local police to be able to get at. They do not have to go through a bureaucracy at the State level or the regional level to get those dollars, and they do not have to pay a local match. It is 100 percent money that we will give to their local police.

They can use it for bulletproof vests. They can use it for police radios. They can use it for salaries if they want, firearms, bullets, whatever they want. It is not restricted like the COPS program is.

So what I am saying to the gentleman is, there is $725 million in the COPS program. There is $523 million in the local law enforcement block grant program. That brings us to $1.3 billion, which is what the administration requested.

Mr. Speaker, what is their problem? We have provided tons and tons of money for the COPS and associated programs, not to mention the Byrne Grant program for local law enforcement funded at $552 million and the State Truth-in-Sentencing Grant funded at $686 million. There is the Juvenile Justice programs funded at $28.7 million. There is the School Violence Program funded at $225 million. There is Violence Against Women Act monies funded at $28.4 million. There is $40 million for drug courts. There is $40 million for the Weed and Seed program. And I could go on.

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

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

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, those programs that the gentleman mentioned are good programs, and they have been funded in the past. Our quarrel here, our dispute is that we want them all funded to the level requested by the President, not what Senator BIDEN said, but what the President requested.

Mr. ROGERS. Mr. Speaker, reclaiming my time, do I understand the gentleman to say that we are not spending enough money out of the Social Security Trust Fund?

Mr. STUPAK. Mr. Speaker, if the gentleman will continue to yield, do not use red herring program. We are talking about the COPS program here. Let us stick to the COPS program that we are talking about. To throw in Social Security is disingenuous to their side and to the senior citizens back home.

Mr. ROGERS. Mr. Speaker, reclaiming my time, does the gentleman realize that the President's request was for zero dollars for the Local Law Enforcement Block Grant which funds your local law enforcement agencies, sheriff's offices, and police departments? The President's request was zero.

Now, yes, we did include money there, $523 million. But I think we could count that toward the COPS total, which would get us up to the total of $1.3 billion, which was the President's request.

I think the bill is absolutely fair, more than fair, even in getting monies to their local law enforcement agencies. I would argue with anybody who says we were not generous, overly generous, more than the Administration's request, in fact, for their local law enforcement agencies.

Mr. STUPAK. Mr. Speaker, if the gentleman will continue to yield, I have 15 pages of grants in COPS and equipment that have been given to the First Congressional District in Michigan. And, therefore, whether they are the First Congressional District in Michigan or Kentucky or wherever, under the totality of funding for the COPS program, they would be satisfying their local law enforcement needs.

□ 1200

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman for yielding me this time.

Mr. Speaker, I do also rise in strong opposition to the Commerce, Justice, State appropriations conference report. I too believe that the very successful Community Oriented Policing Service program, familiarly known as COPS, which has been reduced has been a program that has allowed for the reduction of crime in this country. And I believe that the President is right to say that this is one of the three main reasons why he will veto the bill.

A second major problem with this bill is the repeated denial by the majority of the United Nations debt which makes us an embarrassing deadbeat country in the international community. The list of nations that have lost their vote in the United Nations General Assembly for failure to pay dues is largely a list of small, war-torn nations such as Sierra Leone, Bosnia and Iraq. It is shameful that the United States would stiff the United Nations. I certainly hope that we do not lose our vote.

Another major flaw of this bill is that it fails to respond adequately to the investigation and prosecution of hate crimes and freezes funding for the Equal Employment Opportunity Commission. The horrendous murders of Mr. James BYRD in Jasper, Texas and Mr. Matthew Shepard in Wyoming are just two instances of crimes for which we should have zero tolerance. The gutting of this portion of this bill is a strong indication of the lack of commitment to move against hate crimes by the majority.

For all of these reasons, I ask my colleagues to vote against H.R. 2670.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in opposition to the Commerce, Justice, State appropriations bill and to express my dismay at the bill that fails to fully fund the COPS program, the community policing program.

Since Congress authorized the COPS program in 1994, the Justice Department has kept its promise by disbursing grants to hire 100,000 community police officers ahead of schedule and under budget. The COPS program has successfully put police officers in over 11,000 police departments and sheriffs offices. Fifty thousand officers are on the street and working in the communities to reduce crime today, and our streets are safer than ever. It is a program that works. It gives communities the ability to employ local solutions to fighting crime.

Mr. Speaker, I have talked to a lot of sheriffs and police chiefs in my district. They tell me this is the one program that has done more than any other program they have received from the Federal Government to deter crime, to work with the community, to have the community involved in helping to reduce crime.

Mr. Speaker, American communities are safer than they have ever been and COPS is one of the reasons why. Last July, 67 of my colleagues signed a letter with me asking the appropriators for full funding of this program. But most importantly, my local police support COPS, my county officials support COPS, my school districts support COPS, my neighbors support COPS, and so do I.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, I would urge Members to vote against this bill. It is a bill that the President will not sign. It does not address the priorities that the American people care about. And it betrays the words of the Republican leadership last night that they are interested in finding a sensible compromise to the budget mess in which we find ourselves.

There was an important statement made by the President last night, and I believe agreed to by the Republican

leadership, and that is that we are not going to approach this budget on a micro basis but we are going to look at it on a macro basis. This concession by the leadership is critical to our ability ultimately to achieve a successful outcome on the budget in the days ahead. We can no longer engage in a process of dealing with the appropriations bills one at a time because there are several other important issues that this Congress wants to address this year, minimum wage, Medicare buybacks, and tax extenders. We have to deal with the remaining bills in this context if we want to reach an agreement on the budget.

The fact that we are voting on the Commerce, Justice, State bill today shows that Republicans are not keeping this agreement. The Republicans cannot see the forest for the trees. And the President has said no more signing of the trees until we see the forest.

Unless we sit down and negotiate the whole picture, we are not going to pass any of these bills. We should not even be voting on this bill if we are serious about looking at the entire picture. Clearly, the Republicans still are not serious about negotiating with the President 3 weeks into fiscal year 2000, and we should not be voting on this bill if Republicans are serious about not dipping into the Social Security surplus. The CBO says that Republicans have already spent $13 billion of the surplus and are on their way to spending $24 billion. This bill is just going to make things worse because the spending is not paid for and will come right out of the Social Security surplus.

Apart from the simple futility of even considering this bill, I am compelled to point out how this is a bad bill that shortchanges our priorities. First, the bill fails to build on the success of the last several years in putting additional police on the streets and in our neighborhoods. We have seen a 7-year consecutive decline in violent crime. Why would we want to reverse that now? The Republican plan is a retreat and it is unacceptable.

Second, it is not surprising the bill fails to live up to our obligations to the United Nations. The Republican Party used to be the party of George Bush, willing to make difficult choices to uphold our role in the world. Now, even though Pat Buchanan says he is leaving the Republican Party, Buchananism remains. This is a neo-isolationist view that is hurting our strength and our prestige abroad. They do not care about stopping nuclear proliferation to developing countries. They are willing to put politics above doing the right thing as we saw in the Senate for the test ban vote.

Finally, on hate crimes. We continue to see these horrendous crimes, but for the second year in a row Republican leaders stand in the way of taking strong action to combat this violence. It is an outrage that the hate crimes provision was left out of this bill once again. Republicans continue to listen to the far right on this issue instead of doing what is decent and right.

If we keep rolling out these bills that are dead on arrival before the vote is taken, we will not find any solution to the overall budget problem anytime soon. If we insist on rolling out phony bills filled with gimmicks and waist-deep into Social Security, we will be here at Thanksgiving and maybe even Christmas.

This is another Republican tree. Knock it down. Vote it down. Let us get back to the real negotiations to settle the budget, not phony votes which spend time and accomplish nothing and set us further back from finding the solution to this problem that the American people sent us here to find.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I would just say simply that I will be calling for two votes, on the previous question and on the rule. It is not so much that we are against the rule, but we are against the bill itself and the conference committee for a number of reasons that have been mentioned here, because of the lack of having hate crime legislation, because of not fulfilling what we think is important in the COPS program and mainly in my opinion for not including U.N. arrears. I think for us to lose the chance, to lose our vote in the U.N. would be an absolute embarrassment and it would be a shame. We are coming very close to the edge right now. We are riding that precipice. I think it really fits this tremendous saying that Evanberg said once, ''All it takes for evil to prevail is for good people to do nothing.'' And evil will prevail in this world because this is the kind of world that we live in. And if we do not fund the kinds of programs that are important in the U.N., we allow evil to prevail.

Mr. Speaker I urge that we vote against this conference report. We will be calling for a couple of votes, on the previous question and on the rule.

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

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

At the risk of sounding remedial, I would like to point out to my friend from Ohio that he will have ample opportunity to vote against the bill when the bill comes up. It is not going to be any more defeated by calling for two additional votes.

I encourage my colleagues to come to the floor and vote ''yes'' on the previous question, ''yes'' on the rule and then give them the opportunity to debate the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. BEREUTER). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 204, not voting 8, as follows:

[Roll No. 516]

YEAS—221

Aderholt	Foley	Manzullo
Archer	Fossella	McCollum
Armey	Fowler	McCrery
Bachus	Franks (NJ)	McHugh
Baker	Frelinghuysen	McInnis
Ballenger	Gallegly	McIntosh
Barr	Ganske	McKeon
Barrett (NE)	Gekas	Metcalf
Bartlett	Gibbons	Mica
Barton	Gilchrest	Miller (FL)
Bass	Gillmor	Miller, Gary
Bateman	Gilman	Moran (KS)
Bereuter	Goode	Morella
Biggert	Goodlatte	Myrick
Bilbray	Goodling	Nethercutt
Bilirakis	Goss	Ney
Bliley	Graham	Northup
Blunt	Granger	Norwood
Boehlert	Green (WI)	Nussle
Boehner	Greenwood	Ose
Bonilla	Gutknecht	Oxley
Bono	Hall (TX)	Packard
Brady (TX)	Hansen	Paul
Bryant	Hastings (WA)	Pease
Burr	Hayes	Peterson (PA)
Burton	Hayworth	Petri
Buyer	Hefley	Pickering
Callahan	Herger	Pitts
Calvert	Hill (MT)	Pombo
Campbell	Hilleary	Porter
Canady	Hobson	Portman
Cannon	Hoekstra	Pryce (OH)
Castle	Horn	Quinn
Chabot	Hostettler	Radanovich
Chambliss	Houghton	Ramstad
Chenoweth-Hage	Hulshof	Regula
Coble	Hunter	Reynolds
Coburn	Hutchinson	Riley
Collins	Hyde	Rogan
Combest	Isakson	Rogers
Cook	Istook	Rohrabacher
Cooksey	Jenkins	Ros-Lehtinen
Cox	Johnson (CT)	Roukema
Crane	Johnson, Sam	Royce
Cubin	Jones (NC)	Ryan (WI)
Cunningham	Kasich	Ryun (KS)
Davis (VA)	Kelly	Salmon
Deal	King (NY)	Sanford
DeLay	Kingston	Saxton
DeMint	Knollenberg	Schaffer
Diaz-Balart	Kolbe	Sensenbrenner
Dickey	Kuykendall	Sessions
Doolittle	LaHood	Shadegg
Dreier	Largent	Shaw
Duncan	Latham	Shays
Dunn	LaTourette	Sherwood
Ehlers	Lazio	Shimkus
Ehrlich	Leach	Shuster
Emerson	Lewis (CA)	Simpson
English	Lewis (KY)	Skeen
Everett	Linder	Smith (MI)
Ewing	LoBiondo	Smith (NJ)
Fletcher	Lucas (OK)	Smith (TX)

Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Camp
Danner
Gutierrez
Jefferson
Mollohan
Rush
Scarborough
Walsh

□ 1232

Messrs. KLECZKA, HINOJOSA, GEORGE MILLER of California, and Mrs. LOWEY changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 204, not voting 8, as follows:

[Roll No. 517]

AYES—221

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

NOES—204

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Camp
Gutierrez
Jefferson
Mollohan
Rush
Scarborough
Walsh
Watkins

□ 1241

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ROGERS. Mr. Speaker, pursuant to House Resolution 335, I call up the conference report to accompany the bill (H.R. 2670) making appropriations

for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 335, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 19, 1999, at page H10283.)

The SPEAKER pro tempore. The gentleman from Kentucky (Mr. ROGERS) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

Mr. OBEY. Mr. Speaker, I rise in opposition to the conference report. It is my understanding that the gentleman from New York (Mr. SERRANO) supports the conference report, and given that case, under clause 8(d) of rule XXII, I ask for one-third of the time on the report.

The SPEAKER pro tempore. Does the gentleman from New York support the conference report?

Mr. SERRANO. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. Pursuant to clause 8(d) of rule XXII, the time will be equally divided among the gentleman from Kentucky (Mr. ROGERS), the gentleman from New York (Mr. SERRANO), and the gentleman from Wisconsin (Mr. OBEY).

The Chair recognizes the gentleman from Kentucky (Mr. ROGERS).

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 2670, and that I may include tabular and extraneous material.

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

There was no objection.

□ 1245

Mr. ROGERS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I am very pleased to bring this conference report on the fiscal year 2000 Commerce Justice, State and Judiciary appropriations bill to the floor. We have brought to a successful conclusion the very long, arduous work of reconciling the differences between the very different House-passed and Senate-passed versions of this bill.

This conference report is a sound compromise. It makes a number of significant improvements, I think, over the House-passed version of the bill. We moved forward within the guidelines set for the bill by our leadership, consistent with their plan for meeting the budget targets and protecting Social Security.

For law enforcement, the Senate came in a billion dollars below the House. We were able to restore those funds, and those funds, of course, will keep intact at their current operating levels, the FBI, the Drug Enforcement Administration, the United States Attorneys, and the Immigration and Naturalization Service.

We provide 1,000 new border patrol agents for the INS. We maintain funding for local law enforcement agencies, local sheriffs, and local police departments—monies direct to them, not going through their State agencies but going directly from here to that local agency—the local law enforcement grants, the juvenile accountability grants, the truth-in-sentencing State prison grant program directly to the States, and the SCAAP program to reimburse States for the costs of incarcerating illegal aliens.

For the COPS program, we provided the Senate level. We went up from the House level of $268 million, which is the authorized level. We went up to $325 million, the Senate level that was a result of the amendment offered by Senator BIDEN on the other side of the Capitol.

On top of that, though, we added the unused, unobligated balances that exist in the COPS program of $250 million. We freed that money up, a quarter of a billion dollars for COPS. On top of that, we gave nearly every penny the administration requested under the COPS program for technology programs. That is added in, for a grand total of $725 million for the COPS program.

That is for COPS II, which is not authorized. COPS I runs out this year. We gave in this bill the $268 million in the House version that would have funded the authorized level. We went beyond that to a total of $725 million, even though it is not authorized, in an attempt to meet the administration's request for more funds.

In Commerce, we fully fund the census. We do not require that there be a ban on sampling. We will let the courts decide that one.

For the rest of Commerce, the Senate was $850 million above the House level, much of it in NOAA. We have come up significantly above the House level, $275 million in NOAA alone above the House, and $60 million for the Pacific Salmon Recovery program to be of great assistance to the West Coast States of Washington, Oregon, California, and Alaska.

For the Judiciary, we provide $60 million more than the House. We solve the judges' cost-of-living adjustment that is required, and we solve the life insurance problem that had been of such great concern to the Judiciary.

For the Department of State, we fully fund the request for embassy security overseas, every penny. In fact, we made the administration request more money. We have fulfilled that request.

We fully fund and pay for every penny of our current contributions to the U.N. We are paying our dues annually. We provide the money for the arrears, subject to authorization.

Overall, Mr. Speaker, it is a good bill. I would hope our colleagues would support it.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	79,328	87,534	79,328	82,485	79,328	.....
Joint automated booking system	.....	.....	.....	6,000	1,800	+1,800
Narrowband communications	.....	80,000	.....	20,000	10,625	+10,625
(By transfer)	.....	.....	(101,434)	.....	(92,545)	(+92,545)
Counterterrorism fund	10,000	27,000	10,000	27,000	10,000	.....
1st Responder grants	135,000	.....	.....	.....	.....	-135,000
Telecommunications carrier compliance fund	.....	7,000	7,000	7,000	7,000	+7,000
Defense function	.....	8,000	8,000	8,000	8,000	+8,000
Administrative review and appeals:						
Direct appropriation	75,312	89,901	84,200	30,727	98,136	+22,824
Crime trust fund	59,251	59,251	50,363	59,251	50,363	-8,888
Total, Administrative review and appeals	134,563	149,152	134,563	89,978	148,499	+13,936
Office of Inspector General	34,175	45,021	42,475	32,049	40,275	+6,100
Total, General administration	393,066	403,707	281,366	272,512	305,527	-87,539
Appropriations	(333,815)	(344,456)	(231,003)	(213,261)	(255,164)	(-78,651)
Crime trust fund	(59,251)	(59,251)	(50,363)	(59,251)	(50,363)	(-8,888)
United States Parole Commission						
Salaries and expenses	7,380	8,527	7,380	7,176	7,380	.....
Legal Activities						
General legal activities:						
Direct appropriation	466,540	568,316	355,691	299,260	346,381	-120,159
Crime trust fund	8,160	8,555	147,929	185,740	147,929	+139,769
Total, General legal activities	474,700	576,871	503,620	485,000	494,310	+19,610
Vaccine injury compensation trust fund (permanent)	4,028	4,028	3,424	4,028	4,028	.....
Antitrust Division	98,267	114,373	105,167	112,318	110,000	+11,733
Offsetting fee collections - carryover	-30,000	-47,799	-47,799	.....	-28,150	+1,850
Offsetting fee collections - current year	-68,275	-66,574	-57,368	-112,318	-81,850	-13,575
Direct appropriation	-8	.....	.....	.....	.....	+8
United States Attorneys:						
Direct appropriation	1,009,253	1,217,788	1,161,957	589,478	1,161,957	+152,704
Crime trust fund	80,698	57,000	.....	500,000	.....	-80,698
Total, United States Attorneys	1,089,951	1,274,788	1,161,957	1,089,478	1,161,957	+72,006
United States Trustee System Fund:						
Current year fee funding	114,248	129,329	108,248	112,775	106,775	-7,473
Fees and interest (legislative proposal)	.....	32,000	6,000	.....	6,000	+6,000
Total, United States trustee system fund	114,248	161,329	114,248	112,775	112,775	-1,473
Offsetting fee collections	-114,248	-129,329	-108,248	-112,775	-106,775	+7,473
Offsetting fee collections - legislative proposal	.....	-32,000	-6,000	.....	-6,000	-6,000
Total, US trustee offsetting fee collections	-114,248	-161,329	-114,248	-112,775	-112,775	+1,473
Foreign Claims Settlement Commission	1,227	1,175	1,175	1,175	1,175	-52
United States Marshals Service:						
Direct appropriation	476,356	543,380	329,289	409,253	333,745	-142,611
Crime trust fund	25,553	26,210	209,620	138,000	209,620	+184,067
Construction	4,600	8,832	4,600	9,632	6,000	+1,400
Justice prisoner and alien transportation system	.....	.....	.....	9,000	.....	.....
Total, United States Marshals Service	506,509	578,422	543,509	565,885	549,365	+42,856
Federal prisoner detention	425,000	550,232	525,000	500,000	525,000	+100,000
Fees and expenses of witnesses	95,000	110,000	95,000	110,000	95,000	.....
Community Relations Service	7,199	10,344	7,199	7,199	7,199	.....
Assets forfeiture fund	23,000	23,000	.....	23,000	23,000	.....
Total, Legal activities	2,626,606	3,128,860	2,840,884	2,785,765	2,861,034	+234,428
Appropriations	(2,512,195)	(3,037,095)	(2,483,335)	(1,962,025)	(2,503,485)	(-8,710)
Crime trust fund	(114,411)	(91,765)	(357,549)	(823,740)	(357,549)	(+243,138)
Radiation Exposure Compensation						
Administrative expenses	2,000	2,000	2,000	2,000	2,000	.....
Payment to radiation exposure compensation trust fund	.....	21,714	.....	20,300	3,200	+3,200
Total, Radiation Exposure Compensation	2,000	23,714	2,000	22,300	5,200	+3,200

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Interagency Law Enforcement						
Interagency crime and drug enforcement 1/	304,014	.....	316,792	304,014	316,792	+12,778
High intensity inter-state gang activities	.....	.....	.....	20,000	.....	.....
Total, Interagency Law Enforcement	304,014	.....	316,792	324,014	316,792	+12,778
Federal Bureau of Investigation						
Salaries and expenses	2,396,239	2,742,876	2,044,542	2,432,791	2,044,542	-351,697
Counterintelligence and national security	292,473	260,000	292,473	260,000	292,473	.....
FBI Fingerprint identification	47,800	.....	.....	.....	.....	-47,800
Direct appropriation	2,736,512	3,002,876	2,337,015	2,692,791	2,337,015	-399,497
Crime trust fund	223,356	280,501	752,853	280,501	752,853	+529,497
Subtotal, Salaries and expenses	2,959,868	3,283,377	3,089,868	2,973,292	3,089,868	+130,000
Construction	1,287	10,287	1,287	10,287	1,287	.....
Total, Federal Bureau of Investigation	2,961,155	3,293,664	3,091,155	2,983,579	3,091,155	+130,000
Appropriations	(2,737,799)	(3,013,163)	(2,338,302)	(2,703,078)	(2,338,302)	(-399,497)
Crime trust fund	(223,356)	(280,501)	(752,853)	(280,501)	(752,853)	(+529,497)
Drug Enforcement Administration						
Salaries and expenses	875,523	1,055,572	1,012,330	878,517	1,013,330	+137,807
Diversion control fund	-76,710	-80,330	-80,330	-80,330	-80,330	-3,620
Direct appropriation	798,813	975,242	932,000	798,187	933,000	+134,187
Crime trust fund	405,000	405,000	344,250	419,459	343,250	-61,750
Subtotal, Salaries and expenses	1,203,813	1,380,242	1,276,250	1,217,646	1,276,250	+72,437
Construction	8,000	8,000	8,000	5,500	5,500	-2,500
Total, Drug Enforcement Administration	1,211,813	1,388,242	1,284,250	1,223,146	1,281,750	+69,937
Appropriations	(806,813)	(983,242)	(940,000)	(803,687)	(938,500)	(+131,687)
Crime trust fund	(405,000)	(405,000)	(344,250)	(419,459)	(343,250)	(-61,750)
Immigration and Naturalization Service						
Salaries and expenses	1,617,269	2,435,638	1,621,041	1,697,164	1,642,440	+25,171
Enforcement and border affairs	(1,069,754)	(1,900,627)	(1,086,030)	.....	(1,107,429)	(+37,675)
Citizenship and benefits, immigration support and program direction	(547,515)	(535,011)	(535,011)	.....	(535,011)	(-12,504)
Crime trust fund	842,490	500,000	1,311,225	873,000	1,267,225	+424,735
Subtotal, Direct and crime trust fund	2,459,759	2,935,638	2,932,266	2,570,164	2,909,665	+449,906
Fee accounts:						
Immigration user fee	(486,071)	(517,800)	(446,151)	(446,151)	(446,151)	(-39,920)
Land border inspection fund	(3,275)	(6,595)	(6,595)	(1,012)	(1,548)	(-1,727)
Immigration examinations fund	(635,700)	(688,579)	(712,800)	(712,800)	(708,500)	(+72,800)
Breached bond fund 2/	(176,950)	(116,900)	(117,501)	(127,771)	(110,423)	(-66,527)
Immigration enforcement fines	(4,050)	(3,800)	(1,303)	(1,303)	(1,850)	(-2,200)
H-1b Visa fees	.....	(1,125)	(1,125)	(1,125)	(1,125)	(+1,125)
Subtotal, Fee accounts	(1,306,046)	(1,334,799)	(1,285,475)	(1,290,162)	(1,269,597)	(-36,449)
Construction	90,000	99,664	90,000	138,964	99,664	+9,664
Total, Immigration and Naturalization Service	(3,855,805)	(4,370,101)	(4,307,741)	(3,999,290)	(4,278,926)	(+423,121)
Appropriations	(1,707,269)	(2,535,302)	(1,711,041)	(1,836,128)	(1,742,104)	(+34,835)
Crime trust fund	(842,490)	(500,000)	(1,311,225)	(873,000)	(1,267,225)	(+424,735)
(Fee accounts)	(1,306,046)	(1,334,799)	(1,285,475)	(1,290,162)	(1,269,597)	(-36,449)
Federal Prison System						
Salaries and expenses	2,952,154	3,191,928	3,140,004	3,166,774	3,179,110	+226,956
Prior year carryover	-90,000	-70,000	-90,000	-50,000	-90,000	.....
Direct appropriation	2,862,154	3,121,928	3,050,004	3,116,774	3,089,110	+226,956
Crime trust fund	26,499	26,499	22,524	46,599	22,524	-3,975
Subtotal, Salaries and expenses	2,888,653	3,148,427	3,072,528	3,163,373	3,111,634	+222,981
Buildings and facilities	410,997	558,791	556,791	549,791	556,791	+145,794
Federal Prison Industries, Incorporated (limitation on administrative expenses)	3,000	3,429	2,490	3,429	3,429	+429
Total, Federal Prison System	3,302,650	3,710,647	3,631,809	3,716,593	3,671,854	+369,204

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Office of Justice Programs						
Justice assistance	147,151	338,648	217,436	373,092	307,611	+160,460
(By transfer)		(7,000)	(7,000)		(7,000)	(+7,000)
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	47,000			52,100		-47,000
Byrne grants (formula)	505,000			500,000		-505,000
Local law enforcement block grant			523,000		523,000	+523,000
Boys and Girls clubs (earmark)			(40,000)		(50,000)	(+50,000)
State prison grants			686,500		686,500	+686,500
State criminal alien assistance program			420,000		420,000	+420,000
Indian tribal courts program					5,000	+5,000
Crime identification technology					130,000	+130,000
Safe schools initiative					(15,000)	(+15,000)
Upgrade criminal history records					(35,000)	(+35,000)
DNA identification/crime lab					(30,000)	(+30,000)
Subtotal, Direct appropriations	552,000		1,629,500	552,100	1,764,500	+1,212,500
Crime trust fund:						
Byrne grants (formula)		400,000	505,000		500,000	+500,000
Byrne grants (discretionary)		59,950	47,000		52,000	+52,000
Local law enforcement block grant	523,000			400,000		-523,000
Boys and Girls clubs (earmark)	(40,000)			(50,000)		(-40,000)
Police corps				(30,000)		
Juvenile crime block grant	250,000		250,000	100,000	250,000	
Drug testing and intervention program		100,000				
Indian tribal courts program	5,000	5,000		5,000		-5,000
Drug courts	40,000	50,000	40,000	40,000	40,000	
Crime identification technology	45,000			260,000		-45,000
Safe schools initiative				(15,000)		
Upgrade criminal history records				(40,000)		
Global criminal justice information netwrk				(12,000)		
State prison grants	720,500	75,000		75,000		-720,500
State criminal alien assistance program	420,000	500,000		100,000		-420,000
Violence Against Women grants	282,750	282,750	282,750	283,750	283,750	+1,000
State prison drug treatment	63,000	65,100	63,000	63,000	63,000	
DNA identification grants	15,000			30,000		-15,000
Certainty of punishment grants		35,000				
Indian country initiatives				45,000		
Other crime control programs	5,700	5,700	5,700	5,700	5,700	
Subtotal, Crime trust fund	2,369,950	1,578,500	1,193,450	1,407,450	1,194,450	-1,175,500
Total, State and local law enforcement	2,921,950	1,578,500	2,822,950	1,959,550	2,958,950	+37,000
Weed and seed program fund	33,500		33,500	40,000	33,500	
Crime trust fund		33,500				
Community oriented policing services:						
Direct appropriations:						
Crime analysis technology		100,000				
Hiring program			150,000	167,675	227,000	+227,000
School violence			17,500			
Crime identification technology			15,000			
Technology			15,500			
Bulletproof vest grants			25,000			
Management administration				17,325	17,325	+17,325
Methamphetamine					35,675	+35,675
Subtotal, Direct appropriations		100,000	223,000	185,000	280,000	+280,000
Crime trust fund:						
Hiring program 3/	1,400,000	600,000		140,000	45,000	-1,355,000
Police corps 3/	30,000					-30,000
Crime identification technology		250,000	45,000			
Community prosecutors		200,000				
Prevention		125,000				
Subtotal, Crime trust fund	1,430,000	1,175,000	45,000	140,000	45,000	-1,385,000
Total, Community oriented policing services	1,430,000	1,275,000	268,000	325,000	325,000	-1,105,000
Juvenile justice programs	284,597	288,597	286,597	322,597	287,097	+2,500
Safe school initiative				(38,000)		

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Public safety officers benefits program:						
Death benefits	31,809	32,541	32,541	32,541	32,541	+732
Disability benefits	.....	3,500	.....	3,500	.....	.....
Total, Public safety officers benefits program	31,809	36,041	32,541	36,041	32,541	+732
Total, Office of Justice Programs	4,849,007	3,550,286	3,661,024	3,056,280	3,944,699	-904,308
Appropriations	(1,049,057)	(763,286)	(2,422,574)	(1,508,830)	(2,705,249)	(+1,656,192)
Crime trust fund	(3,799,950)	(2,787,000)	(1,238,450)	(1,547,450)	(1,239,450)	(-2,560,500)
General Provisions						
General Pricing level adjustments	.....	.....	.....	-2,468	.....	.....
Total, title I, Department of Justice	18,207,450	18,542,949	18,138,926	17,098,025	18,494,720	+287,270
Appropriations	(12,736,493)	(14,392,933)	(14,061,712)	(13,048,025)	(14,461,506)	(+1,725,013)
Crime trust fund	(5,470,957)	(4,150,016)	(4,077,214)	(4,050,000)	(4,033,214)	(-1,437,743)
(By transfer)	.....	(7,000)	(108,434)	.....	(99,545)	(+99,545)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	24,200	26,501	25,205	26,067	25,635	+1,435
Supplemental appropriations (P.L. 106-31)	1,300	.....	.....	.....	.....	-1,300
International Trade Commission						
Salaries and expenses	44,495	47,200	44,495	45,700	44,495	.....
Total, Related agencies	69,995	73,701	69,700	71,767	70,130	+135
DEPARTMENT OF COMMERCE						
International Trade Administration						
Operations and administration	286,264	308,431	298,236	311,344	311,503	+25,239
Offsetting fee collections	-1,600	-3,000	-3,000	-3,000	-3,000	-1,400
Direct appropriation	284,664	305,431	295,236	308,344	308,503	+23,839
Export Administration						
Operations and administration	50,454	58,578	47,650	54,054	52,161	+1,707
CWC enforcement	1,877	1,877	1,877	1,877	1,877	.....
Total, Export Administration	52,331	60,455	49,527	55,931	54,038	+1,707
Economic Development Administration						
Economic development assistance programs	368,379	364,379	364,379	203,379	361,879	-6,500
Salaries and expenses	24,000	28,971	24,000	24,937	26,500	+2,500
Total, Economic Development Administration	392,379	393,350	388,379	228,316	388,379	-4,000
Minority Business Development Agency						
Minority business development	27,000	27,627	27,000	27,627	27,314	+314
Total, Trade and Infrastructure Development	826,369	860,564	829,842	691,985	848,364	+21,995
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	48,490	55,123	48,490	51,158	49,499	+1,009
Bureau of the Census						
Salaries and expenses	136,147	156,944	136,147	156,944	140,000	+3,853
Periodic censuses and programs	1,186,902	4,637,754	142,320	2,914,754	142,320	-1,044,582
Supplemental appropriations (P.L. 106-31)	44,900	.....	.....	.....	.....	-44,900
Emergency appropriations	.....	.....	4,476,253	.....	4,476,253	+4,476,253
Total, Bureau of the Census	1,367,949	4,794,698	4,754,720	3,071,698	4,758,573	+3,390,624

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
National Telecommunications and Information Administration						
Salaries and expenses	10,940	17,212	10,940	11,009	10,975	+35
Public telecommunications facilities, planning and construction	21,000	35,055	18,000	30,000	26,500	+5,500
Advance appropriations, FY 2001 - 2003	.....	299,000	.....	.....	.....	.....
Information infrastructure grants	18,000	20,102	13,000	18,102	15,500	-2,500
Total, National Telecommunications and Information Administration	49,940	371,369	41,940	59,111	52,975	+3,035
Patent and Trademark Office						
Current year fee funding	643,026	785,976	735,538	785,976	755,000	+111,974
Prior year fee funding	71,000	.....	.....	.....	.....	-71,000
(Prior year carryover)	(40,500)	(115,774)	(116,000)	(115,774)	(116,000)	(+75,500)
Rescission	-71,000	.....	.....	.....	.....	+71,000
Subtotal	(683,526)	(901,750)	(851,538)	(901,750)	(871,000)	(+187,474)
Legislative proposal fees	102,000	20,000	.....	.....	.....	-102,000
Total, Patent and Trademark Office	(785,526)	(921,750)	(851,538)	(901,750)	(871,000)	(+85,474)
Offsetting fee collections	-643,026	-785,976	-785,976	-785,976	-785,976	-142,950
Offsetting fee collections - legislative proposal	-102,000	-20,000	.....	.....	.....	+102,000
Total, PTO offsetting fee collections	-745,026	-805,976	-785,976	-785,976	-785,976	-40,950
Total, Economic and Information Infrastructure	1,466,379	5,221,190	4,794,712	3,181,967	4,830,071	+3,363,692
SCIENCE AND TECHNOLOGY						
Technology Administration						
Under Secretary for Technology/ Office of Technology Policy						
Salaries and expenses	9,495	8,972	7,972	7,972	7,972	-1,523
National Institute of Standards and Technology						
Scientific and technical research and services	280,136	289,622	280,136	288,128	283,132	+2,996
Industrial technology services	310,300	338,536	99,836	336,336	247,436	-62,864
Construction of research facilities	56,714	106,798	56,714	117,500	108,414	+51,700
NTIS revolving fund	.....	2,000	.....	.....	.....	.....
Total, National Institute of Standards and Technology	647,150	736,956	436,686	741,964	638,982	-8,168
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	1,579,844	1,738,911	1,475,128	1,783,118	1,658,189	+78,345
Offsetting collections (fisheries) (proposed)	.....	-20,000	.....	.....	.....	.....
Offsetting collections (navigations) (proposed)	.....	-14,000	.....	.....	.....	.....
Supplemental appropriations (P.L. 106-31)	1,880	.....	.....	.....	.....	-1,880
Direct appropriation	1,581,724	1,704,911	1,475,128	1,783,118	1,658,189	+76,465
(By transfer from Promote and Develop Fund)	(63,381)	(64,926)	(67,226)	(66,426)	(68,000)	(+4,619)
(By transfer from Damage assessment and restoration revolving fund, permanent)	5,000	.....	.....	.....	.....	-5,000
(Damage assessment and restoration revolving fund)	-5,000	.....	.....	.....	.....	+5,000
(By transfer from Coastal zone management)	.....	4,000	.....	.....	.....	.....
Total, Operations, research and facilities	1,581,724	1,708,911	1,475,128	1,783,118	1,658,189	+76,465
Procurement, acquisition and construction	584,677	630,578	480,330	670,578	589,067	+4,390
Advance appropriations, FY 2001 - 2018	.....	5,363,345	.....	.....	.....	.....
Pacific coastal salmon recovery	.....	160,000	.....	100,000	50,000	+50,000
Coastal zone management fund	4,000	.....	4,000	4,000	4,000	.....
Mandatory offset	-4,000	-4,000	-4,000	-4,000	-4,000	.....
Fishermen's contingency fund	953	953	953	953	953	.....
Foreign fishing observer fund	189	189	189	189	189	.....
Fisheries finance program account	338	10,258	238	2,038	338	.....
Total, National Oceanic and Atmospheric Administration	2,167,881	7,870,234	1,956,838	2,556,876	2,298,736	+130,855
Appropriations	(2,167,881)	(2,506,889)	(1,956,838)	(2,556,876)	(2,298,736)	(+130,855)
Advance appropriations	.....	(5,363,345)	.....	.....	.....	.....
Total, Science and Technology	2,824,526	8,616,162	2,401,496	3,306,812	2,945,690	+121,164

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
General Administration						
Salaries and expenses	30,000	34,046	30,000	34,046	31,500	+1,500
Office of Inspector General	21,000	23,454	22,000	17,900	20,000	-1,000
Total, General administration	51,000	57,500	52,000	51,946	51,500	+500
National Oceanic and Atmospheric Administration						
Fisheries promotional fund (rescission)	.....	-1,187	-1,187	.....	-1,187	-1,187
Total, Department of Commerce	5,098,279	14,680,528	8,007,163	7,160,943	8,604,308	+3,506,029
Appropriations	(5,169,279)	(9,019,370)	(3,532,097)	(7,160,943)	(4,129,242)	(-1,040,037)
Emergency appropriations	.....	.....	(4,476,253)	.....	(4,476,253)	(+4,476,253)
Rescissions	(-71,000)	(-1,187)	(-1,187)	.....	(-1,187)	(+69,813)
Advance appropriations	.....	(5,662,345)	.....	.....	.....	.....
Total, title II, Department of Commerce and related agencies	5,168,274	14,754,229	8,076,863	7,232,710	8,674,438	+3,506,164
Appropriations	(5,239,274)	(9,093,071)	(3,601,797)	(7,232,710)	(4,199,372)	(-1,039,902)
Emergency appropriations	.....	.....	(4,476,253)	.....	(4,476,253)	(+4,476,253)
Rescissions	(-71,000)	(-1,187)	(-1,187)	.....	(-1,187)	(+69,813)
Advance appropriations	.....	(5,662,345)	.....	.....	.....	.....
(By transfer)	(63,381)	(64,926)	(67,226)	(66,426)	(68,000)	(+4,619)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,690	1,698	1,698	1,698	1,698	+8
Other salaries and expenses	29,369	34,241	33,343	34,205	33,794	+4,425
Supplemental appropriations (P.L. 106-31)	921	.....	.....	.....	.....	-921
Total, Salaries and expenses	31,980	35,939	35,041	35,903	35,492	+3,512
Care of the building and grounds	5,400	22,658	6,872	9,652	8,002	+2,602
Total, Supreme Court of the United States	37,380	58,597	41,913	45,555	43,494	+6,114
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,943	1,945	1,945	1,945	1,945	+2
Other salaries and expenses	14,158	15,691	14,156	14,966	14,852	+694
Total, Salaries and expenses	16,101	17,636	16,101	16,911	16,797	+696
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,506	1,525	1,525	1,525	1,525	+19
Other salaries and expenses	10,298	10,621	10,279	10,432	10,432	+134
Total, Salaries and expenses	11,804	12,146	11,804	11,957	11,957	+153
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	238,329	240,375	240,375	240,375	240,375	+2,046
Other salaries and expenses	2,583,492	2,979,551	2,669,763	2,651,890	2,717,763	+134,271
Direct appropriation	2,821,821	3,219,926	2,910,138	2,892,265	2,958,138	+136,317
Crime trust fund	10,164	29,395	156,539	100,000	156,539	+146,375
Total, Salaries and expenses	2,831,985	3,249,321	3,066,677	2,992,265	3,114,677	+282,692
Vaccine Injury Compensation Trust Fund	2,515	2,581	2,138	2,581	2,515	.....
Defender services	360,952	374,839	361,548	353,888	358,848	-2,104
Crime trust fund	30,879	36,605	26,247	.....	26,247	-4,632
Fees of jurors and commissioners	66,861	69,510	63,400	60,918	60,918	-5,943
Court security	174,569	206,012	190,029	196,026	193,028	+18,459
Total, Courts of Appeals, District Courts, and Other Judicial Services	3,467,761	3,938,868	3,710,039	3,605,678	3,756,233	+288,472
Administrative Office of the United States Courts						
Salaries and expenses	54,500	58,428	54,500	56,054	55,000	+500
Federal Judicial Center						
Salaries and expenses	17,716	18,997	17,716	18,476	18,000	+284

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	37,300	39,700	39,700	39,700	39,700	+2,400
United States Sentencing Commission						
Salaries and expenses	9,487	10,600	8,500	9,743	8,500	-987
General Provisions						
Judges pay raise (sec. 304)	.....	9,000	.....	9,611	9,611	+9,611
Total, title III, the Judiciary	3,652,049	4,163,972	3,900,273	3,813,685	3,959,292	+307,243
Appropriations	(3,611,006)	(4,097,972)	(3,717,487)	(3,713,685)	(3,776,506)	(+165,500)
Crime trust fund	(41,043)	(66,000)	(182,786)	(100,000)	(182,786)	(+141,743)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs 4/	1,644,300	2,838,934	2,472,825	2,671,429	2,522,825	+878,525
Worldwide security upgrade	.....	.....	254,000	.....	254,000	+254,000
Total, Diplomatic and consular programs	1,644,300	2,838,934	2,726,825	2,671,429	2,776,825	+1,132,525
Salaries and expenses	355,000	.....	.....	.....	.....	-355,000
Capital investment fund	80,000	90,000	80,000	50,000	80,000	.....
Office of Inspector General	27,495	30,054	28,495	26,495	27,495	.....
Educational and cultural exchange programs	.....	210,329	175,000	216,476	205,000	+205,000
Representation allowances	4,350	5,850	4,350	5,850	5,850	+1,500
Protection of foreign missions and officials	8,100	9,490	8,100	8,100	8,100	.....
Security and maintenance of United States missions	403,561	747,683	403,561	583,496	428,561	+25,000
Worldwide security upgrade	.....	.....	313,617	.....	313,617	+313,617
Advance appropriations, FY 2001 - 2005	.....	3,600,000	.....	.....	.....	.....
Emergencies in the diplomatic and consular service	5,500	17,000	5,500	7,000	5,500	.....
(By transfer)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	.....
Commission on Holocaust Assets in U.S. (by transfer)	(2,000)	(1,162)	(1,162)	.....	(1,162)	(-838)
Repatriation Loans Program Account:						
Direct loans subsidy	593	593	593	593	593	.....
Administrative expenses	607	607	607	607	607	.....
(By transfer)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	.....
Total, Repatriation loans program account	1,200	1,200	1,200	1,200	1,200	.....
Payment to the American Institute in Taiwan	14,750	15,760	14,750	16,000	15,375	+625
Payment to the Foreign Service Retirement and Disability Fund	132,500	128,541	128,541	128,541	128,541	-3,959
Total, Administration of Foreign Affairs	2,676,756	7,694,841	3,889,939	3,714,587	3,996,064	+1,319,308
Appropriations	(2,676,756)	(4,094,841)	(3,889,939)	(3,714,587)	(3,996,064)	(+1,319,308)
Advance appropriations	.....	(3,600,000)	.....	.....	.....	.....
International Organizations and Conferences						
Contributions to international organizations, current year assessment	922,000	963,308	842,937	943,308	885,203	-36,797
Contributions for international peacekeeping activities, current year	231,000	235,000	200,000	387,925	200,000	-31,000
Arrearage payments	475,000	446,000	351,000	.....	351,000	-124,000
International conferences and contingencies (by transfer)	(16,223)	.....	.....	.....	.....	(-16,223)
Total, International Organizations and Conferences	1,628,000	1,644,308	1,393,937	1,331,233	1,436,203	-191,797
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	19,551	20,413	19,551	19,551	19,551	.....
Construction	5,939	8,435	5,750	5,939	5,939	.....
American sections, international commissions	5,733	6,493	5,733	5,733	5,733	.....
International fisheries commissions	14,549	16,702	14,549	15,549	15,549	+1,000
Total, International commissions	45,772	52,043	45,583	46,772	46,772	+1,000
Other						
Payment to the Asia Foundation	8,250	15,000	8,000	.....	8,250	.....
Eisenhower Exchange Fellowship Program, trust fund	.....	525	525	465	465	+465
Israeli Arab scholarship program	.....	350	350	340	340	+340
East-West Center	.....	12,500	.....	12,500	12,500	+12,500
North/South Center	.....	2,500	.....	.....	1,750	+1,750
National Endowment for Democracy	.....	32,000	31,000	30,000	31,000	+31,000
Total, Department of State	4,358,778	9,454,067	5,369,334	5,135,897	5,533,344	+1,174,566
Appropriations	(4,358,778)	(5,854,067)	(5,369,334)	(5,135,897)	(5,533,344)	(+1,174,566)
Advance appropriations	.....	(3,600,000)	.....	.....	.....	.....

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)—continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	41,500					-41,500
United States Information Agency						
International information programs	455,246					-455,246
Technology fund (by transfer)	(2,000)					(-2,000)
Educational and cultural exchange programs	202,500					-202,500
Eisenhower Exchange Fellowship Program, trust fund	525					-525
Israeli Arab scholarship program	350					-350
International Broadcasting Operations	362,365					-362,365
Broadcasting to Cuba (direct)	22,095					-22,095
Radio construction	13,245					-13,245
East-West Center	12,500					-12,500
North/South Center	1,750					-1,750
National Endowment for Democracy	31,000					-31,000
Total, United States Information Agency	1,101,576					-1,101,576
Broadcasting Board of Governors						
International Broadcasting Operations		431,722	410,404	362,365	388,421	+388,421
Broadcasting to Cuba				23,664	22,095	+22,095
Broadcasting capital improvements		20,868	11,258	13,245	11,258	+11,258
Total, Broadcasting Board of Governors		452,590	421,662	399,274	421,774	+421,774
Total, related agencies	1,143,076	452,590	421,662	399,274	421,774	-721,302
Total, title IV, Department of State	5,501,854	9,906,657	5,790,996	5,535,171	5,955,118	+453,264
Appropriations	(5,501,854)	(6,306,657)	(5,790,996)	(5,535,171)	(5,955,118)	(+453,264)
Advance appropriations		(3,600,000)				
(By transfer)	(25,223)	(6,162)	(6,162)	(5,000)	(6,162)	(-19,061)
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Maritime Security Program	89,650	98,700	98,700	98,700	96,200	+6,550
Operations and training	69,303	72,164	71,303	72,664	72,073	+2,770
Maritime Guaranteed Loan (Title XI) Program Account:						
Guaranteed loans subsidy	6,000	6,000	5,400	11,000	6,000	
Administrative expenses	3,725	3,893	3,725	3,893	3,809	+84
Total, Maritime guaranteed loan program account	9,725	9,893	9,125	14,893	9,809	+84
Total, Maritime Administration	168,678	180,757	179,128	186,257	178,082	+9,404
Census Monitoring Board						
Salaries and expenses		4,000		4,000		
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	265	265	265	490	490	+225
Commission on Civil Rights						
Salaries and expenses	8,900	11,000	8,900	8,900	8,900	
Commission on Electronic Commerce						
Salaries and expenses					1,400	+1,400
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,170	1,250	1,170	1,250	1,182	+12
Equal Employment Opportunity Commission						
Salaries and expenses	279,000	312,000	279,000	279,000	279,000	
Federal Communications Commission						
Salaries and expenses	192,000	230,887	192,000	232,805	210,000	+18,000
Offsetting fee collections - current year	-172,523	-185,754	-185,754	-185,754	-185,754	-13,231
Direct appropriation	19,477	45,133	6,246	47,051	24,246	+4,769
Federal Maritime Commission						
Salaries and expenses	14,150	15,300	14,150	14,150	14,150	

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)—continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Federal Trade Commission						
Salaries and expenses	116,679	133,368	116,679	133,368	125,024	+8,345
Offsetting fee collections - carryover	-30,000	-39,472	-39,472	-19,309	-21,000	+9,000
Offsetting fee collections - current year	-76,500	-93,896	-77,207	-114,059	-104,024	-27,524
Direct appropriation	10,179					-10,179
Legal Services Corporation						
Payment to the Legal Services Corporation	300,000	340,000	250,000	300,000	300,000	
Marine Mammal Commission						
Salaries and expenses	1,240	1,300	1,240	1,300	1,270	+30
Ocean Policy Commission						
Salaries and expenses	3,500					-3,500
Securities and Exchange Commission						
Salaries and expenses	23,000					-23,000
Current year fees	214,000	230,000	193,200	240,000	173,800	-40,200
1998 fees	87,000	130,800	130,800	130,800	194,000	+107,000
Direct appropriation	324,000	360,800	324,000	370,800	367,800	+43,800
Small Business Administration						
Salaries and expenses	288,300	263,000	245,500	246,300	276,300	-12,000
Office of Inspector General	10,800	11,000	10,800	13,250	11,000	+200
Business Loans Program Account:						
Direct loans subsidy	2,200	4,000	762	4,000		-2,200
Guaranteed loans subsidy	128,030	144,368	128,030	164,368	131,800	+3,770
Administrative expenses	94,000	131,000	94,000	129,000	129,000	+35,000
Total, Business loans program account	224,230	279,368	222,792	297,368	260,800	+36,570
Disaster Loans Program Account:						
Direct loans subsidy	76,329	39,400	139,400	77,700	119,400	+43,071
Contingent emergency appropriations		158,000				
Administrative expenses	116,000	86,000	116,000	86,000	136,000	+20,000
Contingent emergency appropriations		75,000				
Total, Disaster loans program account	192,329	358,400	255,400	163,700	255,400	+63,071
Surety bond guarantees revolving fund	3,300					-3,300
Total, Small Business Administration	718,959	911,768	734,492	720,618	803,500	+84,541
State Justice Institute						
Salaries and expenses 5/	6,850	15,000		6,850	6,850	
Total, title V, Related agencies	1,856,368	2,198,573	1,798,591	1,940,666	1,986,870	+130,502
Appropriations	(1,856,368)	(1,965,573)	(1,798,591)	(1,940,666)	(1,986,870)	(+130,502)
Contingent emergency appropriations		(233,000)				
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)	-99,000			-22,577		+99,000
Legal Activities						
Assets forfeiture fund (rescission)	-2,000			-5,500		+2,000
Federal Bureau of Investigation						
FY 1998 FBI construction (rescission)	-4,000					+4,000
No Year FBI salaries and expenses (rescission)	-6,400					+6,400
FY 1996 VCRP (rescission)	-2,000					+2,000
FY 1997 VCRP (rescission)	-300					+300
Total, Federal Bureau of Investigation	-12,700					+12,700
Drug Enforcement Administration						
Drug diversion fund (rescission)				-35,000	-35,000	-35,000
Immigration and Naturalization Service						
Immigration emergency fund (rescission)	-5,000		-1,137		-1,137	+3,863

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
DEPARTMENT OF COMMERCE						
FY 1998 Commerce (rescission)	-2,090					+2,090
National Institute of Standards and Technology						
Industrial technology services (rescission)	-6,000					+6,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities (rescission of emergency appropriations)		-3,400		-3,400		
DEPARTMENT OF STATE AND RELATED AGENCIES						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Security and maintenance of United States Missions (rescission)				-58,436		
United States Information Agency						
Buying power maintenance (rescission)	-20,000					+20,000
Broadcasting Board of Governors						
International broadcasting operations (rescission)			-14,829	-18,780	-15,516	-15,516
RELATED AGENCY						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Ship construction fund (rescission)	-17,000					+17,000
Small Business Administration						
Business Loans Program Account:						
Guaranteed loans subsidy (rescission)			-12,400		-13,100	-13,100
General reduction				-92,000		
Total, title VII, Rescissions	-163,790	-3,400	-28,366	-235,693	-64,753	+99,037
Appropriations				(-92,000)		
Rescissions	(-163,790)		(-28,366)	(-140,293)	(-64,753)	(+99,037)
Rescission of emergency appropriations		(-3,400)		(-3,400)		
TITLE VIII - OTHER APPROPRIATIONS						
DEPARTMENT OF JUSTICE						
Federal Bureau of Investigation						
Salaries and expenses	21,680					-21,680
Drug Enforcement Administration						
Salaries and expenses	10,200					-10,200
Immigration and Naturalization Service						
Salaries and expenses	10,000					-10,000
Border affairs	80,000					-80,000
Department of Justice (Y2K conversion)	84,396					-84,396
Total, Department of Justice	206,276					-206,276
DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	5,000					-5,000
Department of Commerce (Y2K conversion)	57,920					-57,920
Total, Department of Commerce	62,920					-62,920
THE JUDICIARY						
Judicial information technology fund (Y2K conversion)	13,044					-13,044
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	790,771					-790,771
Salaries and expenses	12,000					-12,000
Office of Inspector General	1,000					-1,000
Security and maintenance of United States missions	677,500					-677,500
Emergencies in the diplomatic and consular service	12,929					-12,929
Department of State (Y2K conversion)	64,918					-64,918
Total, Department of State	1,559,118					-1,559,118

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2670)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
RELATED AGENCIES						
Small Business Administration						
Disaster Loans Program Account:						
Direct loans subsidy	71,000	.....	.....	.....	.....	-71,000
Administrative expenses	30,000	.....	.....	.....	.....	-30,000
Total, Disaster loans program account	101,000	.....	.....	.....	.....	-101,000
Small Business Administration (Y2K conversion)	4,840	.....	.....	.....	.....	-4,840
Total, Small Business Administration	105,840	.....	.....	.....	.....	-105,840
DEPARTMENT OF TRANSPORTATION						
Maritime Administration (Y2K conversion)	530	.....	.....	.....	.....	-530
Federal Communications Commission (Y2K conversion)	8,516	.....	.....	.....	.....	-8,516
Federal Trade Commission (Y2K conversion)	550	.....	.....	.....	.....	-550
Marine Mammal Commission (Y2K conversion)	38	.....	.....	.....	.....	-38
Office of the US Trade Representative (Y2K conversion)	498	.....	.....	.....	.....	-498
Securities and Exchange Commission (Y2K conversion)	8,175	.....	.....	.....	.....	-8,175
United States Information Agency (Y2K conversion)	9,562	.....	.....	.....	.....	-9,562
Total, title VIII, emergency appropriations	1,975,067	.....	.....	.....	.....	-1,975,067
Grand total:						
New budget (obligational) authority	36,197,272	49,562,980	37,677,283	35,384,564	39,005,685	+2,808,413
Appropriations	(28,944,995)	(35,856,206)	(28,970,583)	(31,378,257)	(30,379,372)	(+1,434,377)
Emergency appropriations	(1,975,067)	.....	(4,476,253)	.....	(4,476,253)	(+2,501,186)
Contingent emergency appropriations	.....	(233,000)	.....	.....	.....	.....
Advance appropriations	.....	(9,262,345)	.....	.....	.....	.....
Rescissions	(-234,790)	(-1,187)	(-29,553)	(-140,293)	(-65,940)	(+168,850)
Rescission of emergency appropriations	.....	(-3,400)	.....	(-3,400)	.....	.....
Crime trust fund	(5,512,000)	(4,216,016)	(4,260,000)	(4,150,000)	(4,216,000)	(-1,296,000)
(By transfer)	(88,604)	(78,088)	(181,822)	(71,426)	(173,707)	(+85,103)

1/ The Administration's request proposes to eliminate this account and distribute the funding to GLA, US Attorneys, US Marshals, FBI, DEA and INS.

2/ The Administration's June 8, 1999 budget amendment proposes to reinstate the 245(i) adjustment of status fee, which would increase receipts in the Breached Bond Fund by $110 million.

3/ The President's request includes $30 million for the Police Corps within the hiring program.

4/ As a result of the Foreign Affairs Reform and Restructuring Act of 1998 and other changes, the amounts requested and recommended in FY 2000 include amounts appropriated separately in previous fiscal years for State Department, USIA and ACDA salaries and expenses.

5/ The President's budget proposed $5 million for State Justice Institute.

Mr. SERRANO. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, today we take up the conference report of H.R. 2670, the bill making appropriations for the Departments of Commerce, Justice and State, the Judiciary and several related agencies.

Mr. Speaker, this year I jumped from not being a member of the subcommittee at all to the ranking Democrat on the subcommittee. Learning this large and challenging bill practically from scratch has made this an interesting and educational year, but it has been made much easier by our chairman, the gentleman from Kentucky (Mr. ROGERS), who has graciously shared his considerable expertise and made necessary allowances for the new guy on the block. Working with the gentleman from Kentucky (Mr. ROGERS) has been a great personal pleasure for me, and I thank him for his support and understanding.

I must also mention our very professional and able staff, some of whom we always see on the floor during the debate and others who are back in our offices. They have worked long and hard, including just about every night and weekend since conferees were appointed, to bring this conference report to the floor.

The chairman has explained the conference report so I will just add a few words. First, while there are still problems and concerns with certain provisions, the conference report is much better than the bill that passed the House in August. I think that is an important thing to note. So I repeat it. There are still concerns with the content of this bill, but this is a much better bill than the one that passed the House in August. If what I hear on radio this morning is correct and the President and the leadership of this House will take care of this problem this weekend, then this bill, I suspect, will get much better way before the Yankees win the World Series.

Additional resources were provided to the conferees and the result is much closer to the President's request in many areas. The conference agreement provides $1.5 billion over the House-passed level and $3.6 billion over the Senate-passed level. Like the House-passed bill, the conference report provides the Census Bureau with the resources it needs to do both the 2000 census and the necessary quality checks on it. This, Mr. Speaker, is a tremendous accomplishment and probably at the center of my support for this bill.

Like the House-passed bill, the conference report includes funding for U.N. arrears, but unfortunately it continues to restrict the State Department's ability to actually pay the U.N. dues, and I am very concerned that this will cost us our vote in the General Assembly. Along with the vote, we may lose any leverage we would hope to exercise over U.N. management and budget reforms.

The conference agreement, like the Senate-passed bill, provides resources to begin implementation of the Pacific Salmon Treaty, but one troubling provision waives the Endangered Species Act for the State of Alaska. This is an issue on which I have had many visits from Members and they should know the efforts that have been made on this issue.

The House-passed cut to SBA's salaries and expenses is largely restored, although partially subject to reprogramming procedures.

If I may depart from my text, if I could get the gentleman from Kentucky (Mr. ROGERS), the chairman, to answer a question, and I am departing from my text just to ask the chairman, I understand that he might be willing to entertain reprogramming requests from SBA, something which is of great interest to me, to the agency obviously, and to our side of the aisle.

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

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

Mr. ROGERS. Mr. Speaker, we have worked with the gentleman to significantly increase funding for the SBA's operations in this conference report, and that is due solely to the pleas and arguments and very persuasive arguments for SBA, of the gentleman from New York (Mr. SERRANO). So we are $45 million over what we passed in the House thanks to the gentleman, plus the SBA has the ability, as he suggested, to transfer additional funds if they are needed.

So we reserve that possibility as we go along during the year. I am very happy to continue to work with the gentleman on any further concerns he may have during the course of the year.

Mr. SERRANO. Mr. Speaker, I thank the gentleman from Kentucky (Mr. ROGERS) for his response.

We still have to look, of course, at the losses associated with Hurricanes Floyd and Irene. I, unfortunately, note that there is a new hurricane, Jose. He is not on the floor today, but he would be creating problems that we will have to deal with.

Now, one area where we have improved dramatically and which I am very proud of is the Legal Services Corporation. It was initially underfunded at only $141 million, and as in past years the House amendment raised that to $250 million, and the conferees agreed to set it at the higher $300 million level, which is equal to the fiscal year 1999 level.

I would have preferred to provide more, such as the President's request, which was $340 million; but this is an improvement, a significant one, over the House-passed bill.

The conference agreement continues to underfund the COPS program and therein lies perhaps the most difficult part of this bill. This is a program that is a good program. This is a program that needs to be improved and to grow, and I think it is important that especially in the area of universal hiring that this bill be improved. Perhaps we will have that opportunity, as I said, before the Yankees win the World Series.

NOAA, the National Oceanic and Atmospheric Administration, while slated to receive more than $340 million above the House-passed level, is still $200 million below the President's request for important initiatives to protect our ocean resources and to help us better understand and predict weather and climate changes.

The State Department numbers have been increased over the House-passed level; and I think that this is, while still below some of the levels that were presented before, it is still something to note and something that we can be supportive of.

There are, unfortunately, some troubling issues that still remain and issues that could have been dealt with and were not, specifically the issue of hate crimes. We believe that on this bill we could have easily included the language that dealt with the issue of hate crimes legislation. We should not waste time trying to figure out the intricacies of where this language belongs. We should only deal with the fact that this is one of the most pressing issues in our country and that we have to address it properly.

I really think we missed our opportunity on this bill and hopefully this House will somehow deal with this.

As I have said, Mr. Speaker, there are problems with the bill but I did rise today and will continue to rise in favor of this conference report. One of the reasons, as I said before, is my relationship to the chairman, his support of many of the requests that I made and the hope that as this process keeps going along we can, in fact, take care of those items that we did not take care of. So with that in mind, Mr. Speaker, I will ask for a positive, a yes vote, on this bill.

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

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as I said earlier in debate on the rule, this bill is a lot better than it was when it left the House. Frankly, that is damning with thin praise but it certainly is.

There are five basic reasons why this bill is going to be vetoed by the President of the United States. The first is that no matter what accounting schemes are cited by the committee, the fact is that the new funding, new dollars for the President's Cops on the Beat program, and its successor program are only $325 million out of the

over $1 billion the President has requested.

The universal hiring program, which is the program that all communities will be eligible to try to receive funds from, is funded at a level of only $92 million as opposed to the $600 million that the President is asking for.

□ 1300

Secondly, this bill resurrects an old argument left over from another bill on the Treasury, Post Office appropriations, and it renews legislative attempts to place limitations on the kinds of contraceptive services that will be available to Federal employees in their own insurance program. That should not be in this bill.

Thirdly, this bill contains an exemption from the Endangered Species Act for the Alaska salmon controversy. That should not be in this bill.

Fourth, this bill is part of a huge charade, which is pretending that the Congress is spending billions of dollars less than it is actually spending. Under our budget rules, if we call something an emergency, it then is not counted under budget spending ceilings.

We are told that the majority party does not want to sit down in the same room with the President and his negotiators and negotiate an omnibus budget arrangement because they say, when we did it last year, that resulted in $20 billion of emergency spending being jammed into last year's omnibus appropriation bill, in fact, $21 billion, as this bar graph shows. This represents last year's problems which our Republican friends say they want to avoid.

But the fact is that, without sitting down for that kind of a meeting, the majority has already produced bills which contain $25 billion in emergency spending, thereby exempted from the budget caps.

This bill contains over $4 billion of those phony emergencies, because it claims that the census, which, by constitutional edict, we must conduct every 10 years, this bill claims that the funding for that is an emergency. The budget act says that something is an emergency if it was unforeseen. Well, I did not know many people in this place did not know that the end of the millennium was coming and we would need another census. That is simply a $4 billion device to hide spending and to pretend that we are not over the budget caps.

But most seriously of all, this bill is part of a continued onslaught on the part of the majority party in this House, on the President's ability to defend our national interest abroad diplomatically.

The Senate last week turned down the comprehensive Test Ban Treaty. Now this bill provides the money for us to contribute to the United Nations what we are obligated to contribute, but it does not give the authorization authority to actually provide that money to the United Nations. So it is a let-us-pretend appropriation.

What does that mean? It means that, because we cannot actually cut the check to the United Nations under this proposal, we will lose our vote in the United Nations. We will thus be joining Burundi, Djibouti, Dominica, Equatorial Guinea, Gambia, Haiti, Iraq, and Somalia as the countries in the United Nations who lose our votes because we did not pay our bills.

What a wonderful performance on the part of this Congress. My colleagues really ought to be thrilled by putting the United States in this disgraceful condition.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. LATHAM), a very hardworking member of the Subcommittee on Commerce, Justice, State, and Judiciary.

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Kentucky very much for yielding me this time.

First of all, I just want to give my most sincere thanks to the gentleman from Kentucky (Mr. ROGERS), the chairman, and the gentleman from New York (Mr. SERRANO), the ranking member, for a tremendous job, and compliment, I think, the best staff in Washington on this subcommittee.

Mr. Speaker, I think it is very unfortunate that people try to politicize this bill because it is so important what this bill accomplishes as far as I am going to focus mostly on law enforcement. But when we look at the Commerce, Justice, Justice Department, the State Department, the Supreme Court, Judiciary, it is an extraordinarily important and wide-ranging bill. I would hope that we would not politicize this bill.

I want to particularly point out the funding in Iowa in my district for the Meth Training Center in Sioux City that has been such a tremendous success to fight this major problem that we have in the upper Midwest, funding in this bill for video conferencing so that local communities can contact directly with the INS to get verification of identification of people they may suspect of being illegal, funding for the tri-State drug task force for local law enforcement for all the overtime hours that they put in in this great war we have on drugs today.

I want to stand in strong support of the local law enforcement block grants, the $523 million which is included in this bill. This allows my communities, my small communities, to get the resources they so desperately need for equipment, for computers, for radios, for bulletproof vests. This is the only way for these small communities, and I come from a town of 153 people. We need this kind of help in the local law enforcement battle that we are fighting with the drug problem and with criminals throughout the country. This is essential. I compliment the committee.

Also, the truth in sentencing block grants for the State are extremely important.

Again, I want to compliment the chairman, the ranking member, and the great staff.

Mr. SERRANO. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DIXON), a great member of the committee.

Mr. DIXON. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise in support of this conference report, but I certainly have some reservations that I had when I voted ''no'' on the floor when the bill was originally here.

I cannot quarrel with those that say that this conference report should not be on the floor, but the fact of the matter is it is on the floor. Certainly I would like to have seen more money for COPS, but the truth is that there is a substantial amount of money for COPS. I would like to have seen the fully funded request for the Justice Department Civil Rights Division, but that was not to be in this conference.

But important, it does have significant money for juvenile justice and crime prevention for juveniles. It has $287 million. As both the chairman and the ranking member have pointed out, it has $585 million for the Criminal Alien Assistance Program, a very important program to border States.

It also contains full funding for the census. Yes, it is contained under a gimmick, but the important thing is that the money is there to have an accurate and a full count in the census.

I certainly agree that it could be a better bill, but it is here, and the issue is whether the glass is half full or half empty. We can certainly make a case on either side. As a member of the committee, I see that the chairman and the ranking member have been exceptionally fair, and I prefer to see this glass as half full.

Mr. OBEY. Mr. Speaker, I yield 3 minute to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, regrettably, I rise in opposition to this conference report, with great respect to the gentleman from Kentucky (Chairman ROGERS) and the gentleman from New York (Mr. SERRANO).

Unfortunately, I have to stand here again, as I have before, embarrassed and ashamed that the United States is the United Nation's number one deadbeat. If my colleagues want to help restore our good name and regain our influence in the UN, they will oppose this conference report and join me in demanding today that we pay immediate and full payment of our over $1 billion in UN arrears.

This conference report provides only $351 million to pay off our arrears, only

after separate authorization, and only after onerous and impractical conditions have been met.

We have gone through this before. We voiced our concerns, and the UN has responded, maintaining a no-growth budget from 1994 to 1998, creating an Office of the Inspector General, eliminating over 1,000 positions, implementing other cost saving measures.

Withholding our arrears is irresponsible and short-sighted. We have already begun to feel the effects of our diminishing influence, and this is just the beginning.

How can we expect the United Nations to continue to take our interest into account around the world? How can we expect them to fund the projects we support and to send peacekeeping troops to areas where we want to see more stability when we do not contribute? How do we expect to help continue to reform the United Nations in a meaningful way to cut down on its bureaucracy and decrease our annual dues if we do not pay our debt?

This funding is critical to United States foreign policy. It shows the international community that a commitment made by the United States means something, and it is a cost effective way for us to leverage U.S. funding with that of the other members of the United Nations to make a difference around the world.

Our continued participation in the UN is critical to United States global leadership, which in turn is the cornerstone of our national security.

I would be remiss, Mr. Speaker, if I did not also express my outrage about a trick played on us in this bill. The majority has violated the jurisdiction of the Subcommittee on Treasury, Postal Service, and General Government appropriation by modifying the newly signed fiscal year 2000 Treasury, Postal law in the Commerce, Justice, State bill.

It goes without saying that the Commerce, Justice bill has no jurisdiction over the programs in the Treasury, Postal bill. This conference report passed the House 292 to 126, a broad bipartisan margin, and was signed by the President on September 29. Not even 3 weeks later, the Republicans undo the bipartisan agreement, one of the few bipartisan bills that this ridiculous process has produced.

I urge my colleagues to reject this conference report. Let us get serious about the budget process. Let us make the modifications to what is a good bill and reject this proposal.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to gentleman from Ohio (Mr. REGULA), one of the more valued members in our subcommittee. He is also, incidentally, the chairman of the Subcommittee on Interior of the full Committee on Appropriations.

Mr. REGULA. Mr. Speaker, I thank the chairman for yielding me this time, and I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in strong support of the conference report on the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies. I commend the gentleman from Kentucky (Mr. ROGERS), the distinguished subcommittee chairman, and the gentleman from New York (Mr. SERRANO), the ranking minority member and the outstanding work in crafting a very important legislative product.

With regard to our UN arrearages, this measure contains full funding for the payment of our UN arrears over a 3-year period. I fully support that provision. It is our hope that this will soon be followed by an authorization measure for the so-called Helms-Biden UN arrears payments which our Committee on International Relations is working on rapidly.

I also commend the committee for providing substantial funding for the security of our embassies abroad, something that is sorely needed.

Accordingly, I urge our colleagues to support this conference report on H.R. 2670, and I urge the President to sign this measure.

Mr. REGULA. Mr. Speaker, I certainly urge my colleagues to support this bill. We cover a diverse number of functions such as Federal law enforcement, trade negotiations, diplomatic functions, and Federal courts.

A couple of things I would highlight. First of all, we have increased funding for the United States Trade Representative. I think our Trade Ambassador Mrs. Barshefsky has done an excellent job and along with the Commerce Department and Secretary Daley. They have a big challenge ahead to represent the United States interest at the WTO meeting in Seattle in about 6 weeks. It is important that we have trade opening initiatives to get more exports of American products, and they are working hard at that.

Secondly, embassy safety, there was no money requested in the original budget from the administration. It is a very important function because of the proliferation of terrorists. We recognize this fact and put substantial amounts in this bill to upgrade the safety programs at our embassies around the world.

Thirdly, the bill continues funding for the manufacturing extension program in small business development, again programs that are very important to our economy because probably 70 percent or more of the jobs in our economy are from small business development. We need to encourage and enhance the opportunities in small business.

□ 1315

Fourthly, the JASON program is a very innovative program that is funded in this bill. It basically is the electronic school bus. This is a program whereby students can go, as they have, to the rain forest, they can go to the bottom of Monterey Bay, they can go to the National Park at Yellowstone, and next year I think they will go into space all by the electronic bus.

Under the JASON program, for the schools that are wired properly, they can have two-way conversations between the students and the people and the locations I have mentioned. Very innovative. It is the future in education, and I am pleased that we could do that. It is long-distance learning at its best.

I rise in support of the Fiscal Year 2000 Commerce, Justice, State Appropriations conference report. This is a good and balanced bill that was put together under tight funding restraints.

I urge my colleagues to support this bill which contains many diverse functions from federal law enforcement programs, to trade negotiation and enforcement programs, to diplomatic functions, to the funding of our federal courts.

I will highlight just three areas that are of importance to the people of Ohio.

This bill provides funding levels that are necessary to continue the important work of opening new markets for U.S. goods and of protecting our domestic industries against unfair foreign trading practices.

The United States Trade Representative's Office received a much-needed increase of over $1 million to continue the work of that our trading partners reciprocate and opening their markets in the same manner as the U.S., which remains the most open market of the world.

The important trade functions that reside in the Commerce Department to promote our exports abroad and to protect domestic industries are also provided adequate funding levels.

The bill continues funding for the Manufacturing Extension Program and the Small Business Development Centers, both programs which are critical to small businesses as they modernize and prepare to compete in the global marketplace.

Finally, the bill funds two innovative programs. The first provides an additional $2 million to the JASON Program which makes available to over 3 million students the good work that is occurring in the Commerce Department with regard to oceans and ocean research. The JASON Program is an exciting interactive education program which I call the "electronic school bus" because after a year of studying a science curriculum, students participate in an expedition via interactive telecommunications means. This program represents the future of our education system.

The bill also funds the National Inventors Hall of Fame at $3.6 million to continue the partnership with the U.S. Patent and Trade Office to highlight to the public the importance of our national patent system. This system is critical for the U.S. in maintaining its preeminent position with the world with regard to development of technology.

This is a fair bill that funds many critical federal functions and I urge your support for it.

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

Mr. Speaker, I want to pick up on something the gentleman from California (Mr. DIXON) said in support of the conference report. He did say he was unhappy and perhaps questioned the way that the census was being funded, but he emphasized the fact that the important aspect was that the census was being fully funded. And I have to tell my colleagues that for the many people that I deal with on the House floor on a daily basis, that is a very important issue.

I personally have a great deal to look forward to in this census. I represent the most undercounted district in the Nation. My district was undercounted by a very large number of people in terms of what we thought we should have, not to mention what I consider the hidden undercount, which is people that have a difficult time just coming forward and allowing themselves to be counted. So I have the undercount, and then there is that other problem.

To me, the census is crucial. And to the city and the county that I represent, the Bronx, New York, a census count is perhaps at the center of how we look at our future and what we can do to better our condition. Of particular importance for me is the idea of being able to spend dollars on a census that will go beyond certain limits imposed in the past to reach out to people, such as advertising in languages other than English. This is very important to me, to be able to reach people and to send a message out that not only is it a constitutional mandate for us to conduct it, but perhaps it is a constitutional responsibility for them to participate in it.

So I cannot emphasize enough the importance to me of the fact that after a very difficult time in the past, we were able to reach agreement in a proper way on the census issue. So I cannot say enough as to how important that is and how important that is, in my opinion, for my community, for my State, and for the future of this country.

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

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER), who is the chairman of the House Subcommittee on Census of the Committee on Government Reform.

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and it is a pleasure to serve my first year on this particular subcommittee. I get to wear two hats with respect to the census, and that is as a member of the subcommittee that funds it, but also as the chairman of the authorizing committee.

This is a good bill that has lots of really great programs in it, from the JASON project, to the law enforcement and embassy security issues. But with respect to the census, there have been a couple of questions raised.

First of all, is it an emergency. I think we would all have preferred it not to have been classified as an emergency. But, unfortunately, it was not included in the original budget agreement in 1997, and this was the only way to really include it without taking it from somewhere else and to provide the full $4.5 billion, which is a very large amount, obviously. Now, this is for this one year.

Next year there will be a cost to the census, but it will not be anything near what we are spending this time around. And this Congress and previous Congresses have always fully funded the census. In fact, we have gone beyond the President's request. We have put in emergency spending bills, and the money has always been there.

The question has been raised about this issue of frameworks. And the frameworks idea is that of the $4.5 billion there are classifications. These are the exact classifications as requested by the Census Bureau. So it is their numbers. It has nothing to do with a sampling fight or anything else; it is just their numbers that are put in these classifications. The question is how to shift it back and forth.

The gentleman from Kentucky (Mr. ROGERS) has given us his assurances that he will act within 72 hours. I will do everything I can to help support and provide for that type of ability to move around the money. Most of the money is in one program, which is $3.5 billion alone. Where we got into this problem is, and we have had it in report language in the past, but the Census Bureau's management finance people have ignored that, and we have an oversight responsibility. We do have a responsibility to make sure this $4.5 billion is spent according to the law.

So I think this is very reasonable, to say we want to know how money is being shifted around. That is common sense. This is amazing. When they sent us the request for the $4.5 billion, we got 10 pages of information to document that. Ten pages. Normally we get thousands of pages of documentation to show why we need to spend that money. So I think we have gone beyond what would be good common sense because of the fact that we have that.

GAO is also raising questions, so I think it is important we stick with this. This is not an unreasonable request. It is common in other departments of the Government, and I am really pleased that the census is fully funded, and I fully support this bill.

Mr. OBEY. Mr. Speaker, may I inquire how much time is remaining on all three sides.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Kentucky (Mr. ROGERS) has 9 minutes remaining, the gentleman from New York (Mr. SERRANO) has 8½ minutes remaining, and the gentleman from Wisconsin (Mr. OBEY) has 12 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, I find this a very strange debate. The gentleman from New York (Mr. SERRANO) and I, for instance, agree on about 90 percent of the issues before this place, and yet today we find ourselves on the opposite side of this bill, and I think we need to ask why. The reason is very simple, in my view.

The Republican majority in this House decided that they were going to spend $7 billion to $10 billion more on the Pentagon budget than the President and the Pentagon had asked for. The Republican majority has decided now, in the Labor, Health, and Education budget, to fund a program level which is $2.2 billion above the President. They did that at the same time managing not to fund his education and health and job training priorities. The VA-HUD bill wound up being several billion dollars above the President. The agriculture bill wound up being about $8 billion above the President. The military construction bill wound up being a good amount of money above the President.

So the issue today is not whether we on the Democratic side want to spend more money. The issue is simply whether we are going to agree to the labeling of different kinds and categories of spending that the majority party would like so that we can fit it all into the TV ads of the gentleman from Texas (Mr. DELAY). That is what the issue is.

Now, the Committee on Appropriations, if left to its own devices, could come up with compromises on all of these bills by next Tuesday. The gentleman from New York (Mr. SERRANO) knows that, I know that, and I think the gentleman from Kentucky (Mr. ROGERS) knows that. We have always been able to resolve appropriations differences between us. But the problem is that we are also now being asked to do something very different. We are being asked to invent a new system of accounting in order to fit into the TV ads of the gentleman from Texas (Mr. DELAY).

So I would simply say this, our Republican friends cannot seem to take back even one dime of the spending that they have already voted for. Example: NIH. I happen to be a strong supporter of NIH. But the House bill for NIH contained $1.4 billion. The Senate bill contained $1.7 billion. We are supposed to resolve those differences by coming in somewhere in the middle. The conference at this point is now at $2 billion for NIH.

I would submit if our Republican friends cannot compromise on money which they have already spent, if they cannot, for instance, agree to give back the billion dollars that the Pentagon did not want, that they put in the military budget anyway for the ship that

the Senate majority leader wanted, if they cannot give back some of that money, then we are going to have to put some additional money into the remaining bills. But we will agree to pay for it, just as the administration found the offsets to pay for the increases that they wanted in the VA-HUD bill.

So the question today is not whether we are talking about the Democrats' demand to spend more money. And the question today is not whether or not Democrats are going to be spending Social Security money. The question is how much of Social Security money has the Republican majority in this Congress already committed us to spend.

And the question is how do we deal with those issues in an honest way, rather than conducting what Time magazine referred to as ''A $150 billion shell game'' where they said ''This debate over Social Security surplus is more about politics than it is money.''

To me, it comes down to a simple question of honesty. And when we get enough of it, we will get an agreement between both sides; and until we do, we will not.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE), the distinguished chairman of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations, and also a very hard working member of our subcommittee.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time, and I do rise in strong support of this conference report. I want to commend both the chairman and the ranking member, the gentleman from New York (Mr. SERRANO), for the work that they have done. I think they bent over backwards to provide fairness and equity for the competing interests that we find in this bill.

Obviously, not everything that I would like is in here. Some things that are in here I would perhaps prefer not be in here. But it is a good bill, and I think it is a good balance. And I think it does a good job of providing funding for the diverse range of programs that we find in this bill.

Now, I am a representative of a border State, so I care a lot about border problems and funding for the Immigration and Naturalization Service. This bill provides $3 billion for direct funding of the INS. That is $460 million more than last year. Very importantly, it provides full funding so that we can add another 1,000 agents. That is a commitment that we made as part of the immigration legislation that we passed a few years ago. It is very important if we are going to get a handle on the problem of illegal immigration along our border.

We also have funding in there for increased detention of criminal and illegal aliens, and adequate funding to reduce the naturalization backlog. These are issues that those of us who live along the border deal with every single day, and that is why they are so important.

I also want to congratulate the subcommittee for making other parts of law enforcement a priority; the flexibility that this bill gives to law enforcement at the local level. It restores the Local Law Enforcement Block Grant; the Juvenile Accountability Incentive Block Grant; the Truth-in-Sentencing State Prison Grants; the Byrne Law Enforcement Grants. It fully funds the FBI and Violence Against Women Act. Overall, for local law enforcement, there is $1.4 billion more in this bill than we have had before.

Much was made on the floor about the census. That issue, too, is important to us. We have heard about the U.N. arrearages, but the money is in here to fully fund the U.N. arrearages, subject to an authorization bill.

So, Mr. Speaker, I think this bill is one that is carefully balanced, not perfect, but carefully balanced, does what it is supposed to do in terms of meeting our priorities; and I urge support for this legislation.

□ 1330

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HYDE), the very distinguished and very able chairman of the House Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I think we are in the middle of a very interesting discussion. We all agree that we need better law enforcement and we think the practice of community policing is a very effective way to fight crime.

Well, what we are arguing about is the subject of flexibility and the efficiency, the efficacy of the 100,000 cops promised. That has a nice ring to it. Those are nice round figures. But the fact is, with less than a year to go in the existing program, less than half of the 100,000 cops we were promised have been hired and some of them are not engaged in active police work but only in ancillary administrative tasks.

We think an appropriate way to do this is not to cut the money but to provide flexibility, some ability to go elsewhere than simply hiring cops. A community may have adequate policemen but may lack radio equipment, squad cars, other law enforcement equipment that helps them do the job.

We are simply trying to provide adequate funding to hire the cops where they are needed and when necessary but also to have flexibility for other programs that help law enforcement.

This is not a policemen's benefit bill. This is law enforcement, safe streets, safer communities. And that means some flexibility in where this money can go. That is an intelligent, useful way to handle this appropriation.

There is new spending for COPS, $325 million in new spending, which is $57 million dollars more than the amount that the Democratically controlled Congress authorized for this program when it was put into law. So there are unused monies. There is $250 million unused from prior years which is available only for the COPS program.

No, this is intelligent. This will help the big problem of law enforcement. I urge its support.

Mr. ROGERS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MCCOLLUM) the distinguished chairman of the Subcommittee on Crime.

Mr. MCCOLLUM. Mr. Speaker, I want to commend the chairman for the product he has brought out here today overall in the crime area. I think it is a good piece of legislation and it appropriates money in the right way.

The debate today, in large measure, is over flexibility, that is, over who gets to make the decisions on where to fight crime. Most of us on this side of the aisle believe that those who are on the beat, the cops on the street, the local county police, the local county commissioners, the city commissioners, are the ones that ought to be making these decisions. We have for years supported law enforcement block grant programs that sends the money back to the local communities to make those decisions on how to best fight crime.

The President, in his request, never has requested in this cycle funding for this program that has been very effective over the last few years. And so, I think that putting all of this in context it is important to see how this legislation proceeds.

There is $1.25 billion, a little over that, that was asked by the President for his COPS program. There is over $1.25 billion going to local law enforcement in this bill. It is just that about half of that is going to this program we have always thought was a great program to have, and that is a program of law enforcement block grants to let the cities and the counties and the local police decide exactly how they are going to spend this money in fighting crime, whether that is for a new jail facility, or whether that is for more cops, or whether that is for more technical equipment, or whether that is for more training, or whatever it might be. It is very important to know that that is the case.

With regard to the COPS program, the issue there is that there is actual money in here for the COPS program, $325 million in new spending in the COPS program in this bill. I think that is really significant in addition to the $250 million already there that has not been spent in the past.

And then there is a problem in the COPS program of it not being distributed in the right way. A lot of it has not gone to the localities that really need it. Many of the localities are telling us, and we are going to have an

oversight hearing in our Subcommittee on Crime this next week, that they are not getting these COPS monies and they are in need of some of it.

Others are saying we can apply for this but then we do not have any funding that goes on beyond the couple of years and we cannot afford it.

So the COPS program has its problems this bill balances, and I think it is a very important approach that the chairman has drafted here.

Mr. SERRANO. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I think this is probably a good conference report, but I really want to take issue with my colleagues on the block granting to local law enforcement.

I was in local law enforcement, local board of supervisors, when we had the revenue sharing program. I will tell my colleagues that a lot of these cities and counties just misuse these funds. They did not put them into the programs that are really trying to fight crimes.

I think it is unfortunate that the demand out there is in issues like drug courts. And this was level funded for drug courts. That is where we need these monies. Just to go out and buy more equipment, more fancy stuff to spruce up, that ought to be the object of local government. The big salary costs are where we can really help.

I think that the grants program is not the way to end crime in America. The way to do it is to pour more people, more personnel where the problem is. I wish the committee would put more into that effort and certainly more into the drug courts program.

Mr. OBEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Wisconsin (Mr. OBEY) has 7½ minutes remaining.

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

Mr. Speaker, I would simply say to my colleagues here today, if they feel good about the fact that, under this bill, the United States, the greatest Nation in the world, will lose the right to cast a vote in the United Nations, then, by all means, vote for this bill. If they feel good about denying women who work for the Federal Government access to a full range of contraceptive services, then, by all means, vote for this bill. If they feel good about providing an exemption to the Endangered Species Act for the State of Alaska, then, by all means, vote for this bill. If they feel good about slashing the President's Cops on the Beat program, then, by all means, vote for this bill.

I know that the other side will bring in all kinds of whistles and bells and try to suggest that they have funded the President's program adequately. The President does not believe that, which is why, among other reasons, he is going to veto this bill.

And most of all I would say, if they believe the fantasy of the gentleman from Texas (Mr. DELAY) about Social Security, then, by all means, vote for this bill. But keep in mind, when they do that, they will make it more difficult, not easier, for us to resolve the remaining differences between us and they will simply extend the fantasy debate which has plagued Washington for the past 3 years on budgeting.

We have seen all kinds of arguments made for all kinds of appropriation bills that have come through this House so far, most of which I have voted against. I would simply say, if they feel good about voting for a bill which will contribute to the ability of this Congress to hide almost $40 billion in spending that it is actually making through gimmicks such as so-called advance appropriations or mislabeled emergencies and the like, then, by all means, vote for the bill.

I have come quite accustomed to hearing fantasy spoken on the House floor. I guess one day more will not surprise me. We will hear a lot of fantasy expressed when I sit down; and, under the rules of the House, I will not be able to answer because the other side has the right to close.

Just because they have the right to repeat fallacious arguments one more time unanswered does not mean those arguments are true. I think a lot of Members understand that, which is why this bill is going to be vetoed by the President and that veto will be sustained.

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

Mr. SERRANO. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York (Mr. SERRANO) has 7½ minutes remaining.

Mr. SERRANO. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, as my ranking member the gentleman from Wisconsin (Mr. OBEY) said, I find myself in a unique and somewhat, if not very much, uncomfortable situation in that I support this conference report and my ranking member, who I respect very much, does not.

I suspect when the vote is taken, it will get pretty lonely in this seat right here, as most Members of my party will probably not support this conference report. But I would like to take a few minutes to explain a couple of reasons why I do that.

First of all, I do it honestly and sincerely because I believe that the negotiations that I was involved in and my staff were involved in made this bill a much better bill than the bill that left the House. I do it with the full understanding, as I said before, that there are still problems with the bill and some are very serious.

But I also do it for another reason and a reason that very few people, if ever, mention on the House floor when it comes to discussing a bill; and that is my desire to continue to create a working atmosphere both for myself, for the subcommittee that I participate in, and perhaps for this House that goes back to a time when the bitterness was not here the way it is these days and when people could work together.

We live in a society where sometimes people from different parts of this country and from different backgrounds find it very hard to get along with each other. Perhaps if they were to be a reporter writing about the gentleman from Kentucky (Mr. ROGERS) and the gentleman from the Bronx, New York (Mr. SERRANO), previously from Puerto Rico, one could say there is a fine example of two people that would have a hard time working together.

It turns out to be just the opposite, that we have worked together to try to make a better bill is a fact. That we have accomplished some things is a fact. That we still disagree on some very serious points is a fact. That I believe that the philosophy between his party and mine are totally different and that I believe ours is correct and his is not, that is a fact. But to me the idea of establishing this relationship and working to make life for people in this country better on a daily basis is important for me enough to stand here in support of a conference report today that may not be supported by many on my side. But I do it, and I repeat it again, with the hope and thought that it is part of a larger picture.

But I know some will say, oh, what a naive ranking member to think that if we are nice to people and work with them they will respond. Well, sometimes it works. Sometimes if we respond properly, people respond to us.

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

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

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is important to me to say this at this moment. I want to say how much I admire and respect the gentleman from New York (Mr. SERRANO) for taking the position that he is taking.

□ 1345

It is not easy, I know, the position that he is taking. It takes a lot of courage. It takes a lot of determination, it takes lot of perseverance and it takes a lot of plain old guts. That is what I like about the gentleman. I also like the fact that he is so easy to work with and he is also very effective.

We have mentioned some of the things in this conference report that the gentleman has been responsible for getting included since the bill passed

the House and it is substantial, matters of great import not only to him but to the country. I mention briefly the SBA increases which is due solely to the gentleman's insistence, but there are many others. And so this political odd couple that he has alluded to, the gentleman from New York, this gentleman from Kentucky, sometimes we have difficulty understanding what each other is saying, but that is beside the point. I wish we had a major league baseball team in Kentucky so that I could be on an equal footing with the gentleman. He has been a model to work with. I would only say this: If others on that side of the aisle would have the good sense and the wisdom that the gentleman has exhibited during this process, we would have much better bills across the board and we would not be at standoffs. The gentleman has been a wonderful example of being the creative minority leader. I appreciate him very much.

Mr. SERRANO. I thank the gentleman. Just to cover my tracks, let me say that if other Members on his side were as courteous as he is, we could have a better working relationship, also, as parties.

Let me just close, Mr. Speaker, by saying from everything I am reading in today's papers and hearing on radio, the leaders in this House will get together with the White House this weekend, and as I said and I will say it for the third time, before the Yankees win the World Series, this will be in place.

Mr. Speaker, I hope that they listen to the fact that we tried to give them a better bill than left this House and when they make it better, they at least turn to the gentleman from Kentucky and say, ''Well, it wasn't all in vain.''

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

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

I wanted just to say a word of thanks not only to the gentleman from New York and the members of the subcommittee who have worked so hard on this but most importantly I think our staffs. They are here in the room at this time and we would not be here without them. They do the work, they stay up all night, they read these bills by the thousands of pages, and we get up and take credit for it. It is really the staff that did the work. We say thank you to our staff. And, of course, to our distinguished chairman the gentleman from Florida (Mr. YOUNG) for his great work in helping us.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the distinguished whip.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Texas (Mr. DELAY) is recognized for 3 minutes.

Mr. DELAY. Mr. Speaker, I rise in strong support of this bill. I think fighting crime is serious business and this legislation works to make America safer. I want to commend the two gentlemen, the ranking member and the chairman, for working together in the manner that the process is supposed to work, in working together, fashioning a bill and bringing it down without any politics involved.

Among many other provisions in this bill, there are very strong commitments to local law enforcement, juvenile crime prevention, the Drug Enforcement Agency and truth-in-sentencing programs. Important priorities are funded and the entire package keeps the budget in balance and does not spend a dime of the Social Security surplus.

This is a good bill. But it does not silence the critics of common sense who want to increase spending on everything. No matter how much funding we provide in this bill, there are always screams from the left that too much is not enough. This sophistry coming from the other side of the aisle must come to an end. The Democrats go on and on with a line of reasoning and they do not stop for anything except the truth as revealed by the facts and the bills that we are actually passing. They refer to press reports as if press are the gospel, as if you read something in the press and it is true. I have found the Washington press have yet to get it right. They use assumptions on spending that we are not doing and claim that we are spending the Social Security surplus. They say that they want more spending and they are willing to pay for it by making the tough choices. Well, that is the old shell game of tax and spend. When they say tough choices, that means increased taxes and they want more spending and they will pay for it with increased taxes.

When the Democrats were in control, they spent every dime of the Social Security surplus on government programs for over 40 years. When the Democrats were in control of this place, they never passed a balanced budget. Yet we are to believe all their Washington press reports and their specious figures.

This is not a fantasy debate. A balanced budget for 2 years in a row is not a fantasy. Paying down the debt now for 3 years in a row is not a fantasy. Locking up the Social Security surplus for 2 years in a row is not a fantasy. It is very real. The problem is their arguments are all wrong despite the evidence to the contrary.

They maintain that the Republican budget plan is irresponsible. Actually the opposite is true. I think it is very responsible to balance the budget without raiding Social Security and increasing taxes. The Democrats cannot make such claims, so they attack the budget with specious arguments. The trend is clear. We pass bills and the President vetoes them because he wants more spending. But there are only three ways to maintain a balanced budget and pay for the President's big spending programs. We are not going to raid Social Security, we are not going to raise taxes, so he will have to find cuts in the budget to spend more money. That is what we are doing.

Vote ''yes'' on this bill.

Mr. SENSENBRENNER. Mr. Speaker, I rise today to comment on H.R. 2670, the Commerce, Justice, State, and the Judiciary Appropriations Act of 1999 conference report. This bill contains funding for the Department of Commerce's (DOC) Science and Technology programs.

In May of this year, the Committee on Science passed H.R. 1552, the Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999, and H.R. 1553, the National Weather Service and Related Agencies Authorization Act of 1999. H.R. 1553 subsequently passed the House on May 19th and awaits Senate action.

In H.R. 2670, NOAA is funded at $2.3 billion. Within this amount, the National Weather Service (NWS) is funded at $604 million, which is a $43 million increase over the FY 1999 enacted level. This level is $13 million below the authorization in H.R. 1553 of $617.9 million, however, I believe it will provide adequate resources for the NWS. It is NOAA's highest duty to protect our citizens' life and property from severe weather and this amount is sufficient for NWS to finish its modernization and deploy critical weather observation systems. I also am pleased that the appropriators kept the Award Weather Interactive Processing Systems (AWIPS) cost-cap of 1996. This cap will protect taxpayers from unnecessary cost overruns.

This bill funds the Office of Oceanic and Atmospheric Research at NOAA at a level of $300.2 million which is $18 million over the President's request. This amount is also $16 million over the total authorizations in H.R. 1552 and H.R. 1553.

The National Sea Grant College Program is funded at $59.2 million. This is $7.7 million above the President's request. I am pleased that this total includes money for zebra mussel research. Sea Grant's cost-sharing approach with states provides a good bang for the research buck and is a good way to stretch scarce research dollars.

However, Mr. Speaker, I am disappointed that the conferees decided to include funding for a new Fisheries Research Vessel. The Commerce Inspector General and the Government Accounting Office have pointed out time and time again the need for outsourcing NOAA fleet operations. While NOAA is making some progress in the oceanographic and hydrographic outsourcing areas, there is little to no progress in the fisheries research area. In H.R. 1552, the Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999, the Committee on Science directed NOAA to transfer resources to NSF to avoid having the taxpayer foot the bill for a new NOAA vessel. I urge NOAA to follow the recommendations of the Commerce I.G. and GAO and contract for vessel time instead of building new ships.

H.R. 2670 also funds the National Institute of Standards and Technology (NIST) at $639 million for FY 2000. This amount is $99 million below the President's request and $8 million below the FY 1999 enacted amount.

First, I want to remind my colleagues that last year we appropriated $197.5 million for the Advanced Technology Program (ATP) program. We were recently informed by the Commerce Department that the ATP program would carryover $69 million of this total. Once carryover from previous years is considered, ATP spent less than $190 million in FY 1999. This bill includes $142 million in new appropriations for ATP. With the 1999 carryover, ATP will have $211 million for FY 2000. I see no reason to increase the money available for ATP when the program could not efficiently and effectively use its FY 1999 appropriation.

The Manufacturing Extension Partnership (MEP) at NIST is funded at a level of $104.8 million or $5 million over the President's request.

Finally, Mr. Speaker, the construction account at NIST is funded at $108.4 million for FY 2000. After deducting a modest amount to maintain NIST facilities in Colorado and Maryland, I am optimistic that enough funds will remain to start construction of the Advanced Measurements Laboratory (AML). AML is necessary due to the precise measurements required for establishing standards associated with today's increasingly complex technologies. It is my hope that the additional funding that has resulted from this conference will enable NIST to begin construction of AML in FY 2000.

Mr. FARR of California. Mr. Speaker, I rise in opposition to H.R. 2670. It includes sufficiency language removing the taking of listed salmon in Alaska from the Endangered Species Act (ESA). A wholesale waiver from ESA is unacceptable for any state because it undermines the purpose of the Act and for this reason alone it will probably draw a Presidential veto.

This bill is also inadequate in its funding of our nation's ocean research, fisheries and conservation needs. The observers' program received no increase in funding; marine sanctuaries are funded $10 million below the President's request; fisheries habitat restoration was zeroed out—that's $23 million below the President's budget. Now is not the time to be neglecting the oceans or reducing our commitment to understanding their processes. Not now, when we have disasters occurring around the country and we do not understand the causes nor can we suggest solutions.

In Alaska, Stellar Sea Lions continue to decline despite decreased interference with the pollack fishery and we don't know why. The Bering Sea ecosystem has changed in some way resulting in the deaths of 10 percent of the Gray Whale population, but we don't understand what the changes in the ecosystem are that have led to this.

On Long Island Sound, lobster men and women began reporting dead lobsters last month. From 8 percent to 13 percent of the lobsters caught in traps are dead or dying, and a total of as many as a million lobsters may have died. Although die-offs have occurred in other years, this appears to be the worst in nearly a decade. Why are the lobster dying? No one knows.

Runoff from Hurricane Floyd has resulted in a 350 square mile dead zone off of Pamlico Sound, North Carolina and no one has any idea what the lasting effects will be. In the Gulf of Mexico, we have a dead zone the size of the state of New Jersey. Some say this is the result of nutrient runoff, but no one really knows. We have insufficient funds to study this disaster.

In the Northeast, the groundfish population declines while the Canadian seal herd population climbs. Is there a relationship? We don't know because there are no funds to study the factors decimating the groundfish population in New England. In my own district the Pacific Fishery Management Council is about to reduce the catch for my fishermen by 75 percent because of overfishing. However, there is a dispute between the fishermen and scientists on whether or not management decisions are based on data collected from the right fish populations. No one really knows for sure because fishery management studies are under funded.

In Florida we have 3 toxic, deadly, and unexplainable red tides. Red tides have become much more common in the last decade, but we do not know what causes them.

Mr. Speaker, we do know that the sea drives climate and weather, regulates and stabilizes the planet's temperature, generates more than 70 percent of the oxygen in the atmosphere, absorbs much of the carbon dioxide that is generated, and otherwise shapes planetary chemistry. We also know that ocean community is in crisis. Therefore, I must oppose this bill that places our oceans as such a low priority.

Equally as troubling as the shortfall in funding for our oceans, is lack of adequate funding for the COPS program. It is unconscionable that this year's federal budget contains only $325 million for the COPS program.

COPS has awarded state and local law enforcement agencies with nearly $6 billion to fund hiring and redeployment of more than 100,000 officers. I have heard repeatedly from local law enforcement officials on the Central Coast that the need for continued robust federal funding for the COPS program is critical to help them continue highly successful crime-fighting initiatives. But providing Central Coast residents with safe communities requires resources beyond local capabilities.

Several of my communities have been awarded special COPS grants including the Youth Firearms Violence Initiative and the Community Policing to Combating Domestic Violence. These programs have helped local law enforcement officials implement highly effective community policing strategies to target specific problems, neighborhoods and crimes. If all politics is local, certainly all crime is local.

Crime doesn't wear a political button identifying party affiliation. Republican conferees shouldn't be playing politics with highly effective anti-crime programs.

Furthermore, conferees shouldn't be playing politics with arrearage funds. The United States currently owes more than $1 billion in unpaid dues to the United Nations—giving our country the dubious distinction of being the single largest debtor nation to the U.N. Tying those funds to an authorization bill that hasn't been signed into law since 1994 is a sham.

The United Nations provides educational and economic assistance to people around the world, working to reduce hunger and malnutrition, improve education, and provide assistance to refugees. In short, the role of the U.N. in world affairs is critical and invaluable, and our unwillingness to contribute our fair share to the U.N. threatens the health, welfare, and security of our country and others.

I encourage my colleagues to oppose this bill and demand that conferees address these issues that affect our national security, safety and environmental health.

Mr. RODRIGUEZ. Mr. Speaker, I oppose the conference report on H.R. 2670, the Commerce, Justice, State and Judiciary Appropriations Act of 1999. The funding cuts for the Community Oriented Policing Services (COPS), fund usage restriction on the U.S. Census Bureau, and failure to include the Hate Crimes Prevention Act, make this bill unacceptable.

COPS has helped make America safe. Crime rates have dropped dramatically since the program's inception. Texas alone has received funding totaling more than $300 million, placing almost 5,000 additional law enforcement officers on our streets to protect neighborhoods, schools and businesses. My district has received more than $15 million in COPS funding, allowing local police and sheriff's departments to add 238 officers. I am a strong believer in this hallmark program which has been a substantial investment in the security of schools, cities, counties and states across the country.

After more than two years of negotiations, a Supreme Court decision, and a final budget agreement on the 2000 census, I was disappointed to hear of the undue ''frameworks'' restriction on census funding. Congress should not continue to micro-manage an institution that has historically remained independent in discharging its constitutional duty. I cannot support this language and believe the Census Bureau's objections to it are well-funded.

Finally, as a co-sponsor of the Hate Crimes Prevention Act, I am disappointed that the conference report does not include this language. In light of recent incidents involving hate motivated killings across America, we in Congress need to send a strong signal that federal law will add a level of protection to currently unprotected classes while posing a deterrent to those who would use physical violence to further their prejudiced passions.

I urge my colleagues to oppose this legislation and work with the Administration in fashioning acceptable levels of funding for COPS, removing restrictive language on the Census, and including language which would further punish those who commit crimes of hate.

Mr. ENGEL. Mr. Speaker, I rise in support of the Commerce, Justice, State Appropriations bill before us today. I wish to express my appreciation for the efforts of the Ranking Member, Mr. SERRANO, and Chairman ROGERS in working with members thus far. I want to stress that this is not a perfect bill. There is still much work to be done. However, I will be voting for the bill to express my optimism that those concerns will be addressed, as many others have been throughout this process. It is my hope that the final version of this

bill will illustrate the bi-partisan manner that the Chairman and Ranking Member have stressed all along.

I am particularly pleased that $1.5 million is allocated for construction of a plant studies research laboratory at the New York Botanical Garden. The Garden is recognized as the premier institution in botanical research in the United States. Funding this new facility ensures that the Garden will enhance its preeminent status and continue to attract scientists and scholars from around the world. It is my sincere hope that continued research at the Garden will improve public health, generate economic growth, and secure our place as the world leader in plant research.

Mr. Speaker, as I vote in favor of the CJS Appropriations bill today, I am confident that the continued efforts of the Chairman and the Ranking Member will result in overwhelming support for this legislation.

Mr. CAPUANO. Mr. Speaker, today I rise in opposition to the FY 2000 Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Conference Report. I opposed H.R. 2670 because it lacked sufficient funding for several essential federal programs, and I once again must oppose the conference report because if fails to address the vital funding shortfalls identified in the House bill.

More than 200 years ago our founding fathers provided within the Constitution a framework for a national census to be conducted every ten years. Unfortunately, language contained in the conference report places unnecessary restrictions that will ultimately obstruct the Census Bureau's ability to conduct a complete and accurate census. While the conference report provides $4.47 billion for the Census Bureau, it contains language that restricts the Bureau's management of these funds. This language would require congressional approval in the form of a reprogramming for any movement of funds between decennial program components. Counting every man, woman, and child within the United States requires a tremendous amount of effort, support, and resources. This represents a dramatic departure from past practices and takes place at precisely the time when Census 2000 activities peak and when the need for program flexibility is most crucial to ensure a successful count.

With respect to the Immigration and Naturalization Service (INS), the conference report provides $3 billion, $26 million below the Administration's request. INS must receive adequate funding if it is to be successful in providing enhanced border patrols, reducing its enormous backlog and maintaining its current applications. The $26 million shortfall will hurt the INS in its efforts to become more effective and efficient.

Another area of insufficient funding can be found within the Advanced Technology Program (ATP) conducted by the National Institute of Standards and Technology (NIST). The ATP was established in 1988 to encourage companies to take greater risks in new and innovative basic research technologies. Successfully partnering public and private businesses working together to develop technology in all areas, over 700 organizations in 40 states including 104 joint ventures have a role in ATP projects. Last year's appropriation levels provided $197.5 million for ATP. This year the Administration requested $238.7 million, of which $137.6 million would continue to fund existing projects. However, the conference report provides only $142 million, barely enough to keep existing programs alive. The ATP is a catalyst for industries to develop and invest in high-risk technologies. Without this important program, individual companies will be less inclined to pursue these technological developments.

Additionally, international programs within the State Department are abhorrently underfunded. Only $885.2 million is provided for contributions to international organizations. Not only is this funding level $78 million below the President's request, but it is also $37 million below last year's appropriation levels. Due to the unforeseen breakout of conflicts in Kosovo, and more recently in East Timor, the United States directed large amounts of federal funds toward restoring and maintaining peace in these regions. In order to continue our efforts to preserve peace and promote human rights and democratic principles throughout the world, we must sufficiently support our men and women who are acting as peacekeepers. Much to my dismay, this report provides only $200 million for contributions to international peacekeeping efforts, nearly $35 million below the Administration's request and $31 million less than FY99.

Adding insult to injury, this report fails to adequately address U.S. payments to the United Nations (UN). Currently, the United States owes over $1 billion in back dues to the UN. In recent years, $508 million has been provided to address this issue, but these funds have not gone to the UN because the funds are connected to controversial family planning legislation. According to Article 19 of the UN Charter, if we fail to pay at least $153 million, we will automatically lose our vote in the UN General Assembly. Unfortunately, the $351 million for UN arrearage payments provided in this report is contingent upon passage of possibly contentious legislation. By holding these funds hostage, we are playing a dangerous game with a highly respected international organization, and we are losing face, force, and credibility within the international community.

I also have deep reservations regarding the funding that is contained in the conference report for programs under the jurisdiction of the Department of Justice. The conference report significantly limits the ability of law enforcement officials to enforce and maintain a safe and secure environment. I am disappointed by the drastic reduction in funding for the Community Oriented Policing Initiative (COPS), in which only $325 million of the $1.275 billion that the President requested was provided for the program. These funds were to have been used to extend the COPS Initiative and allow local police departments to hire up to an additional 50,000 police officers over the next few years. Such a significant reduction in funding threatens to undermine the efficacy of the COPS Initiative, which has been a major contributor to the dramatic drop in the crime rate since 1994 and has resulted in the hiring of an additional 100,000 police officers nationwide.

Lastly, the conference report fails to include the Hate Crimes Prevention Act, a measure of which I am a cosponsor. Though included in the Senate-passed version of the bill, this language is not contained in the conference report. The Hate Crimes legislation strengthens the current federal hate crimes statute by making it easier to prosecute crimes based on race, color, religion, and national origin. The measure also expands coverage to include hate crimes based on sexual orientation, gender and disability. By failing to include this legislation, I believe Congress is missing an opportunity to strengthen the current hate crime statute.

Mr. Speaker, I am frustrated and disappointed that many of these valuable and essential programs were not adequately funded in this conference report and urge my colleagues to oppose final passage. If this report passes, I urge the President to veto this legislation so that we may have another opportunity to correct this seriously flawed bill.

Mr. DIXON. Mr. Speaker, I rise in support of the Commerce, Justice, State and Judiciary Appropriations Conference Report for FY 2000. I continue to have reservations about this legislation some of which led me to oppose the initial bill presented to the House. I understand the strong opposition the bill may encounter, as well as the President's anticipated veto of the conference report in its current form. However, the legislation before us is greatly improved and Chairman ROGERS, under very difficult conditions, has made his best efforts to accommodate the needs of the minority on the subcommittee.

I want to thank Chairman ROGERS; our ranking member, Mr. SERRANO; and their capable staffs for their hard work in bringing this conference report to the floor. This is a bill that is problematic in the best of circumstances; the current circumstances—where spending constraints, budget gamesmanship and gimmickry, and political posturing have hampered the Appropriations Committee's ability to do its job—have made it much more contentious.

Let me highlight a few important provisions and positive additions to the legislation contained in this conference report.

I agree that the emergency designation for census funding is inappropriate. But I am relieved that we have fully funded the 2000 census and hope we can now all concentrate our efforts on obtaining the most accurate count possible.

The legislation provides $585 million in funding for State criminal alien assistance—the same level as last year and $85 million above the budget request. While we need to keep in mind that this level provides reimbursement for less than half of the costs that incarceration of criminal illegal aliens imposes on States and localities, the conference level is substantially above the $100 million approved by the Senate.

The conference report includes $287 million in funding for juvenile crime and delinquency prevention programs. These important programs help deter young people from becoming involved in criminal activity.

The conference report continues an important initiative to fight methamphetamine which is the fastest growing abused drug in our Nation. The legislation provides $36 million in grants to States for this purpose, including $18 million for the California Bureau of Narcotics Enforcement. Unfortunately, labs in my State

continue to be major suppliers of this lethal drug.

The funding level for the Legal Services Corporation (LSC) has been greatly improved in conference, increasing from $250 million in the House passed bill to $300 million in the legislation before us. This will enable LSC to continue its support to local legal aid agencies which provide vital civil legal services for the poor—ensuring access to legal redress for all Americans.

Funding for the National Oceanographic and Atmospheric Administration (NOAA) has been increased to $1.66 billion from the inadequate House passed level of $1.475 billion—which was nearly $300 million below the budget request. The extreme weather this Nation has experienced from the El Nino and La Nina events of recent years to this year's hurricanes underscores the importance of NOAA's work. In California, the agency's climate observation programs and coastal and marine stewardship are essential to our environment and economy.

The Antitrust Division of the Department of Justice was underfunded in the House bill. The division's work is vital to safeguarding the interests of the American consumer and the fair operation of the market in our economy. The conference committee provides the division with $110 million, a needed increase over the $105 million passed by the House.

Some of my colleagues will raise serious, legitimate concerns about this conference report—many of which I share. I too am unsatisfied with several funding levels in this bill, as well as certain legislative provisions that were added in conference.

The conference report provides only $325 million for the Cops on the Beat Program, $950 million below the President's request. While this level is an improvement from the House bill, it is woefully inadequate. This program has enabled communities all across this Nation, including Los Angeles, to hire additional police officers which has contributed to the significant reduction in crime we now enjoy—seven consecutive years of reductions in crime, and the lowest murder rate since 1967. We should continue to build on this success by funding this program and providing more police officers, better policing technology, and hiring community prosecutors.

I also am disturbed by the funding levels in this conference report for the enforcement of our civil rights laws—particularly in light of many recent events.

This conference report reduces the funding passed by the House for the Civil Rights Division of the Justice Department to $72 million, $10 million below the President's request. At a time when many of our communities are experiencing serious crises of confidence in law enforcement agencies, we should be fully funding an agency that can help restore that confidence. Recent police shootings in my congressional district, as well as in the ranking member's district, have undermined community trust in law enforcement. By providing independent investigation into the pattern or practice of discrimination by law enforcement, the Civil Rights Division helps restore trust in communities like Los angeles.

The conference report provides no increase for the Equal Employment Opportunity Commission, which protects our civil rights in the workplace. The agency continues to reduce its backlog of cases, but needs and deserves Congressional support to enhance those efforts.

While funding levels for the programs of the Small Business Administration are increased, I continue to be concerned about the adequacy of the ''salaries and expenses'' account. We need to take care that the SBA's efforts to expand Small Business opportunities are not undermined by inadequate staffing levels.

Clearly, I wish that the bill before you addressed these and other unmet needs. I regret that the House and Senate could not reach out in a bipartisan fashion and embrace the hate crimes legislation contained in the Senate bill. I also regret the addition of a provision waiving the Endangered Species Act with respect to Alaskan salmon; the majority continues to use appropriations bills to thwart important environmental protections.

Notwithstanding these concerns, the conference report before you is a significant improvement over the version the House adopted in August. Based on those improvements and the importance of many of these programs to my community, my State, and the Nation, I choose to give it my support today.

Mr. CROWLEY. Mr. Speaker, I rise today to voice my objections to the FY 2000 Commerce, Justice, State Appropriations Conference Report. The Conference Report before us today is deficient in two key areas: it lacks the Hate Crimes legislation that was included by the Senate version and it withholds payment of our financial obligations to the United Nations unless the State Department Authorization bill is first signed into law.

Mr. Speaker, the Hate Crimes Prevention Act of 1999 is cosponsored by myself and 184 of my colleagues and has passed the Senate. It is disappointing that the Conferees receded to the House on this measure, when it enjoys such broad support and is so sorely needed.

Just a few weeks ago, our Country was shocked when a gunman entered a Jewish Community Center in Los Angeles shooting at innocent children. His intent ''sending a message by killing Jews.''

One year ago, in Laramie, Wyoming, a young man named Matthew Shepard was killed. The reason, because he was gay. Now, with the removal of the Hate Crimes provision by the Conferees on the anniversary of his brutal murder, it is a double tragedy for his family.

In Jasper, Texas, a man was murdered and dragged through the streets because he was African-American.

All of these incidents are Hate Crimes, and they do not just affect the group that was killed, they affect all Americans.

This is especially troubling to me because of the rash of anti-immigrant billboards and posters in my district, which falsely blame immigrants for societies problems. Having spent my entire life in Queens, I recognize the problems faced daily by minorities and strive to eliminate any form of discrimination still present in our society.

I believe the ''Hate Crimes Prevention Act of 1999'' is a constructive and measured response to a problem that continues to plague our nation—violence motivated by prejudice. This legislation is also needed because many States lack comprehensive hate crimes laws.

Now, I know some people believe that hate is not an issue when prosecuting a crime. They say our laws already punish the criminal act and that our laws are strong enough.

I answer with the most recent figures from 1997, when 8,049 hate crimes were reported in the United States. And, according to the FBI, hate crimes are under reported, so the actual figure is much higher.

And I say to my colleagues, penalties for committing a murder are increased if the murder happens during the commission of a crime. Murdering a police officer is considered first degree murder, even if there was no premeditation. Committing armed robbery carries a higher punishment than petty larceny.

There are degrees to crime. And committing a crime against someone because of their race, color, sex, sexual orientation, religion, ethnicity or other group should warrant a different penalty. These crimes are designed to send a message. We don't like your kind and here is what we are going to do about it.

So why can't we punish crimes motivated by hate differently than other crimes?

Mr. Speaker, this legislation does not punish free speech as some have contended. Nowhere does it say, you can't hold a certain political view or believe in a particular philosophy. What it does say, is that if you commit a violent act because of those beliefs, you will be punished.

Hate crimes laws are also constitutional. The U.S. Supreme Court's ruling in Wisconsin v. Mitchell unanimously upheld a Wisconsin statute which gave enhanced sentences to a defendant who intentionally selects a victim because of the person's race, religion, color, disability, sexual orientation, or nation of origin. Once again, I would like to express my disappointment and frustration at the actions of the Conferees for failing to include this provision.

Mr. Speaker, the second area of deficiency in this legislation is the provision withholding the U.S. payment of our financial obligations to the United Nations until the State Department Authorization bill is signed into law. I am both saddened and troubled by this provision because in all likelihood, this legislation will not be signed into law because of the continuing fight over linking the unrelated issue of family planning to our U.N. arrears payment.

For several years, critical funds earmarked for payment of America's debt to the U.N. have been linked to the unrelated issue of U.S. bilateral family planning programs.

These issues deserve to be considered on their own individual merits and should not be linked. Withholding money from the United Nations damages the financial viability of this essential institution. In addition, it jeopardizes our relations with even our closest allies, who are owed millions in peacekeeping reimbursements that have gone unpaid due to the financial shortfall at the U.N. created by the more than $1 billion in U.S. debt. Our credibility has been damaged. We must stand by our legal responsibility and moral obligation to pay our outstanding debts to the U.N.

The U.N. plays an important role in the world today. Efforts to reduce infant mortality, immunize children, eradicate deadly diseases,

protect innocent civilians in war torn nations, and feed starving families serve to clearly demonstrate that supporting the United Nations saves lives.

I believe we should do everything we can to prevent and reduce the number of abortions. That is why I am committed to de-linking the Smith amendment policy from UN arrears. U.S. law already states that no money can be spent on abortions; this includes our overseas funding. And, neither the United Nations nor United Nations Population Fund (UNFPA, which provides voluntary family planning services to poor countries) provide abortion services of any kind, nor do they promote abortion as a method of family planning. UNFPA actually reduces the number of abortions by teaching women how to practice safe and effective birth control.

The Smith amendment policy is a prohibition on activities supported by USAID, not the United Nations. Put another way, the Smith amendment language relates to US-supported family planning activities in other countries, not the activities of the United Nations. There is no link whatsoever between the Smith amendment and the United Nations. This policy doesn't apply to the United Nations because, as I said, the UN does not promote or perform abortions. Nonetheless, some Members of the House have consistently linked it to the UN, creating the US debt to the UN of more than $1 billion.

Mr. Speaker, the issue of our UN arrears is a serious one. The United States has been quick to criticize the UN for a host of perceived failures. The slow response to the needs of refugees from Kosova, the failure to stop Slobodan Milosevic and paramilitaries in East Timor, and the list goes on. But what many fail to realize, is that for the UN to succeed in its endeavors, it takes the necessary resources.

By failing to pay our obligations, we limit the UN's ability to prevent the spread of violence. And in the end, this costs the U.S. more money. How much would we have saved if we didn't need to fight an air war in the Balkans? How much would we have saved if the UN had the resources to prevent the crisis in Bosnia? And how much money would we save if the UN had the resources to prevent future crises before they start? By not paying our obligation, we are costing the American taxpayer more in the long run.

Mr. Speaker, when we fail to pay our financial obligation to the United Nations, we are also hurting America's credibility. Many have made this statement, but what does it mean? It means that the US's ability to effectively influence international treaties and conferences is being negatively impacted. It means countries want us off the UN Budget Committee, where many of the US's criticisms about the UN are debated. And, even worse, it means the US is in danger of losing its vote in the General Assembly. There will be no vote on this, no one to sway or cajole, the UN charter is clear, members who do not meet their financial obligations for two years lose their vote. How can the US promote its agenda when we can't even vote on the outcome? Who will listen to us on such vital issues as gaining Israel admittance to the Western Europe and Other Group at the UN? Who will take our reform efforts seriously?

How would my colleagues feel if a deadbeat dad said our system of child support payments needed to be reformed? Well, that is how our allies feel about us. We are the deadbeat dad at the UN. We helped create this organization. We helped instill it with democratic principles. We ensured our place on the Security Council where the most important UN decisions are made. And we have shut off our support. This must stop.

Mr. Speaker, I do not speak for myself alone on this, I speak for a vast majority of the American people. According to our best polling data, Americans support the United Nations. In fact, 73 percent of Americans support paying our UN dues and believe UN membership is beneficial to the US. This issue is too important to ignore and hope it will go away. As we debate this issue, UN employees are being killed, UN resources are dwindling and US credibility is melting away. It must stop and I am casting my vote against this Conference, like many of my colleagues, because it fails to live up to our international commitments.

Mr. Speaker, while the failure to include Hate Crimes legislation and the provision preventing US payment of our financial obligations are two key issues for my opposition to this Conference Report, I am also concerned about two other important provisions. First, the Conference Report under funds the COPS Initiative. The President had requested $1.275 billion to extend the COPS program and effectively put 50,000 more police officers on the street. This Conference Report only includes $325 million of that request.

Second, I am concerned about the provision limiting the ability of the Census to move funds around from one activity to another when they have problems during the Census. Such a provision is unprecedented and places in danger an accurate census count of every American. A number of my colleagues and I have been working very closely with Census Bureau Director D. Kenneth Prewitt to make the 2000 Census the most accurate one in history. To include language preventing an accurate Census breaks the pact the US Government has with the American people to ensure they receive the services and representation they are Constitutionally entitled to through an accurate census.

Mr. Speaker, the President has already indicated his intention to veto this legislation. I hope that when negotiations take place on this measure these important issues will be resolved favorably.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 213, not voting 6, as follows:

[Roll No. 518]

YEAS—215

Aderholt	Ballenger	Bateman
Archer	Barrett (NE)	Bereuter
Armey	Bartlett	Biggert
Bachus	Barton	Bilbray
Baker	Bass	Bilirakis
Bliley	Gutknecht	Pickering
Blunt	Hall (TX)	Pitts
Boehlert	Hansen	Pombo
Boehner	Hastert	Porter
Bonilla	Hastings (WA)	Portman
Bono	Hayes	Pryce (OH)
Boucher	Hayworth	Radanovich
Brady (TX)	Herger	Ramstad
Bryant	Hilleary	Regula
Burr	Hobson	Reynolds
Burton	Hoekstra	Riley
Buyer	Horn	Rogan
Callahan	Houghton	Rogers
Calvert	Hulshof	Rohrabacher
Campbell	Hunter	Ros-Lehtinen
Canady	Hutchinson	Roukema
Cannon	Hyde	Roybal-Allard
Castle	Isakson	Royce
Chambliss	Istook	Ryan (WI)
Coble	Jenkins	Ryun (KS)
Coburn	Johnson (CT)	Salmon
Collins	Johnson, Sam	Saxton
Combest	Jones (NC)	Serrano
Cook	Kasich	Sessions
Cooksey	Kelly	Shadegg
Cramer	King (NY)	Shaw
Crane	Kingston	Sherwood
Cubin	Knollenberg	Shimkus
Cunningham	Kolbe	Shuster
Danner	Kuykendall	Simpson
Davis (VA)	LaHood	Skeen
Deal	Largent	Smith (MI)
DeLay	Latham	Smith (NJ)
DeMint	LaTourette	Smith (TX)
Diaz-Balart	Lazio	Souder
Dickey	Leach	Spence
Dixon	Lewis (CA)	Stearns
Doolittle	Lewis (KY)	Stump
Dreier	Linder	Sununu
Duncan	LoBiondo	Sweeney
Dunn	Lucas (KY)	Talent
Ehrlich	Lucas (OK)	Tancredo
Emerson	Manzullo	Tauzin
Engel	McCollum	Taylor (NC)
Everett	McCrery	Terry
Ewing	McInnis	Thomas
Fletcher	McKeon	Thornberry
Foley	Metcalf	Thune
Fossella	Mica	Tiahrt
Fowler	Miller (FL)	Toomey
Franks (NJ)	Miller, Gary	Traficant
Frelinghuysen	Mollohan	Vitter
Gallegly	Moran (KS)	Walden
Ganske	Morella	Walsh
Gekas	Murtha	Wamp
Gibbons	Myrick	Watkins
Gilchrest	Nethercutt	Watts (OK)
Gillmor	Ney	Weldon (FL)
Gilman	Northup	Weldon (PA)
Goode	Norwood	Weller
Goodlatte	Nussle	Whitfield
Goodling	Ose	Wicker
Goss	Oxley	Wilson
Graham	Packard	Wolf
Granger	Pease	Young (AK)
Green (WI)	Peterson (PA)	Young (FL)
Greenwood	Petri	

NAYS—213

Abercrombie	Capuano	Doyle
Ackerman	Cardin	Edwards
Allen	Carson	Ehlers
Andrews	Chabot	English
Baird	Chenoweth-Hage	Eshoo
Baldacci	Clay	Etheridge
Baldwin	Clayton	Evans
Barcia	Clement	Farr
Barr	Clyburn	Fattah
Barrett (WI)	Condit	Filner
Becerra	Conyers	Forbes
Bentsen	Costello	Ford
Berkley	Coyne	Frank (MA)
Berman	Crowley	Frost
Berry	Cummings	Gejdenson
Bishop	Davis (FL)	Gephardt
Blagojevich	Davis (IL)	Gonzalez
Blumenauer	DeFazio	Gordon
Bonior	DeGette	Green (TX)
Borski	Delahunt	Hall (OH)
Boswell	DeLauro	Hastings (FL)
Boyd	Deutsch	Hefley
Brady (PA)	Dicks	Hill (IN)
Brown (FL)	Dingell	Hill (MT)
Brown (OH)	Doggett	Hilliard
Capps	Dooley	Hinchey

Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Shays
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—6

Camp
Cox
Gutierrez
Jefferson
Rush
Scarborough

□ 1418

Messrs. BLUMENAUER, WATT of North Carolina, and PASTOR, and Ms. WOOLSEY and Ms. MCKINNEY changed their vote from ''yea'' to ''nay.''

Mr. JONES of North Carolina and Mr. COBURN changed their vote from ''nay'' to ''yea.''

Mr. BEREUTER changed his vote from ''present'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STUDENT RESULTS ACT OF 1999

Ms. PRYCE of Ohio. Madam Speaker, by the direction of the Committee on Rules, I call up House Resolution 336 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 336

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed six hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The amendment numbered 5 shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Madam Speaker, for the purpose of debate only, I yield 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 336 is a modified, open rule that provides for consideration of H.R. 2, the Student Results Act. The legislation authorizes Title I of the Elementary and Secondary Education Act, as well as a number of other programs, which assist some of our Nation's neediest students.

Over the years, educational programs for the disadvantaged have failed to accomplish their core mission: closing the achievement gap between wealthy and poor students. And while the Title I program has its faults, its shortcomings have not led us to abandon it. We believe that through thoughtful, common sense reforms in Title I, we can make some real progress for children and achieve the results we have been striving for for more than 30 years.

The Students Results Act improves upon the existing Title I program not only by increasing our investment in education, but also providing for greater accountability, more parental involvement, well-trained teachers and local flexibility to implement school reforms that work. I, for one, am looking forward to today's debate, because it is not about who can spend more money; we are increasing Title I funding in this bill. Instead, it is about new ideas and having the courage to admit some failures and move in a new direction.

Under the rule, the House will have 90 minutes to engage in general debate, which will be equally divided and controlled by the chairman and ranking member of the Committee on Education and the Workforce. Let me take this opportunity to congratulate the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce, for his hard work and determination through a lengthy markup process to put this bipartisan legislation together. His committee reported it by a vote of 42-to-6.

It is always great to have bipartisan agreement on an issue as crucial to our Nation's future as education. The bill has earned even the administration's support. Still, some of our colleagues would like a chance to amend it. Therefore, the Committee on Rules has provided for an open amendment process.

Under this rule, any Member who wishes to improve upon H.R. 2 may offer any germane amendment, as long as it is preprinted in the CONGRESSIONAL RECORD.

In the case of the manager's amendment numbered 5 in the RECORD, the rule provides that it will not be subject to amendment or to a demand for a division of the question.

To ensure that debate on H.R. 2 is adequate, yet focused, the rule provides for a reasonable time cap of 6 hours during which amendments may be considered. Overall, the House will have almost 9 hours to debate the provisions of and changes to the Students Results Act, which should be more than ample time, given the bill's widespread support.

To further facilitate consideration of H.R. 2, the rule allows the Chair to postpone votes and reduce voting time to 5 minutes on a postponed question, as long as it is followed by a 15-minute vote. After the bill is considered for

amendment, the rule provides for another chance to make changes to the bill through the customary motion to recommit, with or without instructions.

Madam Speaker, Title I is the anchor of the Elementary and Secondary Education Act and it is the largest Federal and elementary education program.

□ 1430

Since its creation in 1965, taxpayers have provided over $120 billion in funding to teach disadvantaged children.

The initial investment in title I back in 1965 was $960 million, which grew to $7.7 billion by 1999. H.R. 2 continues our commitment to disadvantaged kids by authorizing more than $8 billion for title I next year, but we are not just throwing more money at education and claiming victory. We know that more dollars will not automatically translate into smarter kids. H.R. 2 strengthens academic performance by holding all States, school districts and individual schools accountable for ensuring that their students meet high academic standards.

One incentive to produce results will come through the promise of cash rewards to title I schools that close the achievement gap between students.

The success or failure of title I schools will be documented in annual report cards that will be distributed to parents and communities; and when schools fail to show improvement parents will be given the opportunity to take their children out of failing schools and enroll them in other public or charter schools. It is simply unfair to trap children in schools where they cannot learn so we give them a bit of freedom, including money for transportation to a new school through this legislation.

The Student Results Act also recognizes that good results cannot be gotten without well-trained teachers. Good teachers are our best chance to help our children succeed. H.R. 2 ensures that all newly hired teachers funded by title I dollars are fully qualified by raising the standard for teachers' aides.

Under the bill, teaching assistants will need to have 2 or more years of college education or an associates degree. Local communities will have greater flexibility to ensure their Federal dollars are meeting the real needs of their student population. For example, local education agencies will be able to combine and commingle Federal funds to address the needs of small rural school districts or the needs of Indian children.

These are just a few of the reforms the Student Results Act will make to move our Federal education policy toward the principle of accountability, quality teaching, and local control.

There are also a number of other programs authorized in this legislation, including migrant education; neglected and delinquent youth; magnet school assistance; Native American, Hawaiian and Alaskan programs; gifted and talented students; rural education; and the Stewart B. McKinney Homeless Assistance program.

The reforms made in these programs through H.R. 2 will move us away from the Washington-knows-best model of the past to a policy that equips parents, communities, and schools with the resources, authority, and accountability to ensure that every uniquely talented child has the opportunity to succeed.

Madam Speaker, I encourage my colleagues to join in today's debate about the future of our children and our Nation by supporting this fair rule that will provide for a full debate on a key component of our Federal education policy. I urge a yes vote on both the rule and the Student Results Act.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume, and I thank my good friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the time.

Madam Speaker, House Resolution 336 provides for the consideration of the underlying bill H.R. 2, the Student Results Act. This is a modified open rule which limits debate on amendments to the bill to 6 hours. This means the clock may run out on amendments which Members have prepared and which deserve to be heard.

Madam Speaker, it is not as though the House has considered such a plethora of landmark legislation that we do not have a little extra time to discuss and debate how best we give our children a quality education, but the rule inhibits that debate. Last night in the Committee on Rules a motion was offered for an open rule with no limitation on time, but it was rejected.

The rule also depends on a preprinting requirement which further works to limit the exchange of ideas. These are defects in this rule which should not go unnoticed. At the same time, I should point out the rule expressly includes the opportunity for a very important amendment offered by the gentlewoman from Hawaii (Mrs. MINK) and numerous other colleagues who share my very deep concern with the issue of gender equity.

Since 1974, the Women's Educational Equity Act has provided teachers, administrators, and parents with the resources, materials, and tools to combat inequitable educational practices. The act trains teachers to treat girls and boys fairly in the classroom, and allows the training of teachers to encourage girls to pursue the careers and higher-education degrees in science, engineering, and technology, careers they very well may want but are actually discouraged from pursuing.

The act also funds the Center for Women's Educational Programming, which conducts vital research on effective approaches to closing the gender gap in education, as well as developing curriculum and model programs to ensure that these effective approaches are implemented.

From its inception, this act has funded over 700 programs while requests for information and assistance continue to grow. From February to August of this year, the Resource Center received over 750 requests for technical assistance, and that is a lot of requests for a country that presumes it has reached gender equity, as my colleagues on the other side of the aisle would have us believe.

The question today is not, What needs does it meet? It is obvious that it meets the important gender equity needs of our public education system. And the question before us today is why should we reauthorize the Women's Educational Equity Act? The majority would have us believe that we should not reauthorize it. They argue that gender equity has been accomplished and gender inequity or discrimination in the classroom is a thing of the past or does not exist, but this is not the case.

According to a recent report conducted by the American Association of University Women, women are close to 50 percent of America's population. Yet they earn only 7 percent of the engineering degrees and 36 percent of the math degrees. Women are only 3 percent of CEOs at Fortune 500 companies, but in the face of such statistics the majority considers gender equity programs no longer useful. They would rather ignore these statistics and allow girls' educational needs to be neglected. They would rather we eliminate a current long-standing program that ensures fairness and equal opportunities in our classrooms that would ultimately undermine our commitment to title IX, which has been so helpful to young women in this society.

Madam Speaker, I urge my colleagues to vote in support of the Mink/Woolsey/Sanchez/Morella amendment to the Student Results Act. This amendment will reauthorize the Women's Equity Act and reaffirm our commitment to gender equity. The importance is as important today as it was in 1974. To this very day, guidance counselors are advising young women away from the careers that they would like to have, careers in science and math, and urging them to go into five fields which have generally over the years been delegated only to women.

We cannot afford to waste that brain power in the United States, Madam Speaker; and those of us who are the mothers and grandmothers of young women insist that they be given equal opportunity to achieve everything that they want to achieve. So I want to urge

my colleagues, please do not slam the door to gender equity on America's girls, just as they are starting to walk through it. The gender equity provision being left out is a glaring omission in a bill which otherwise has many meritorious provisions.

Madam Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Madam Speaker, I am very pleased to yield such time as he may consume to the gentleman from California (Mr. DREIER), the very distinguished chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I thank my friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me this time.

Madam Speaker, I rise in strong support of this very fair and balanced modified open rule. Improving public education, when we put together the list of priorities that we wanted to address in the 106th Congress, was number one. We went through the issues of providing tax relief to working families, rebuilding our defense capabilities, saving Social Security and Medicare; but when we began that list, we had improving public education up there because we know that if our Nation is going to remain competitive globally we have to do what we can to bring about that kind of improvement.

We moved forward earlier in this Congress by passing the Education Flexibility Act, and I am very pleased that the President agreed to sign that measure. It took a little while to get him there, but I am very pleased that he did. This legislation is similar in that it enjoys bipartisan support, and I hope it will gain the President's signature also.

The public education improvement bill is based on four very simple basic and easily understandable principles: quality, accountability, public school choice, which is very important, and flexibility.

The bill will improve educational opportunities available for children that already face the many challenges that accompany poverty in this country. It is simply not acceptable that the public education system is failing our Nation's disadvantaged children. It is clearly time to shift our focus to a results-based education system. For the sake of the children, we cannot accept anything less than the best. We need clear improvements in academic achievement at the local and the State level.

As we focus on actual results, we need to reward progress. This legislation will allow States to reward the schools that are successful at closing the achievement gap between children of different income levels. We are moving in the right direction on education; and, again, it is good that we are enjoying bipartisan support in that quest.

We are investing in quality public schools, and we are demanding real results. We are showing that Congress is committed to success, but we are giving State and local leaders the flexibility to develop the solutions. Most important, we are relying on parents, teachers, and principals to make good choices because we trust them to do what is best for our Nation's young people. This is a very, very good piece of legislation. I know that we are going to be dealing with several amendments on it; but when we finally get through with it, I hope we will have a very strong, overwhelming vote and that we will be able to again get a presidential signature on it.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, I rise today in opposition to H.R. 2, the so-called Student Results Act. What this really is is an attempt to block access to educational services for certain groups of this country. As we all know, title I serves as the cornerstone of Federal support for students most at risk of low educational achievement. Included in this profile for serving at risk students are limited English proficiency youngsters.

During the last reauthorization of the Elementary and Secondary Education Act, it was decided that the limited English proficiency students were entitled to educational services under the same basis that other children receive under title I; and I repeat, they are entitled to the same basis of education under title I.

All of a sudden now we have a different provision in H.R. 2 that will essentially deny access for millions of limited English proficiency youngsters in title I educational services. The schools in my district and throughout the State of Texas and this country are committed to providing limited English proficiency youngsters with the necessary language support services to ensure that limited English proficiency students achieve high academic standards.

The language in the legislation as it stands now would prohibit schools in my district and throughout the country from providing this necessary language support services for students until the parent provides consent. Why are we picking only on this particular group? Why do we not have, for example, the disabled ask for consent? Why do we not have Anglo children have to get their parents to get an okay? We do not have that. We have decided to pick on limited English proficiency youngsters. As we move forward, in terms of students, we have to look at them as a whole. It is simply ridiculous to think that by singling out the limited English proficiency youngsters to say that it is fair, it is not.

It is discriminatory. It is discriminatory unless it is applied to every single child. If we look at the language the way it is written, it is very obvious that anyone could see that those youngsters are being picked on.

If we want to talk about parental involvement, then I am ready to support parental involvement. I am ready to require that parents need to show up in the classroom. I am ready to make sure that we have those programs to get them involved.

□ 1445

But for them to be the only ones within this particular piece of legislation, for them to be required to have to come up and sign for parental consent, it is unfair, and it is discriminatory.

I would like to urge my colleagues to think long and hard about supporting legislation that picks on children. Plus this legislation raises serious questions about the whole issue in terms of how we are denying access of these educational opportunities to these individuals.

As far as I am concerned, the parental consent provision on Title I violates the Civil Rights Act of 1964, and there is no way that we should stand for that. I ask my colleagues to seriously consider voting no.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Madam Speaker, I never thought the time would come again when I would have to come to the floor and speak out against any changes in gender equity for our women and for our girls. Each of my colleagues has women and girls in their family, and we must continue to be sure that they receive the equity that they deserve.

So I rise in support of efforts being made today, particularly the Woolsey-Sanchez-Morella amendment, an amendment which is coming up pretty soon, to reauthorize the Women's Educational Equity Act.

Because of our far-reaching legislative efforts to ensure gender equity, America is much more equal today and more educated, and it is a more prosperous Nation. But to be sure, we cannot relax any of our efforts as long as we are leaning toward equity. To be sure, much has been accomplished, but there is still a gender gap in America's schools, and we cannot afford that to happen.

The changing Nation that we live in today, and it is constantly changing as we enter the new millennium, demands a more gender-fair education, not a less one. It is even more important now than it was years ago to be sure to prepare our women to enter the new century.

Prior to the enactment of the Women's Educational Equity Act in 1974, only 18 percent of women had completed 4 or more years of college compared to 26 percent of all men. Though America is far more equal since the enactment of the Women's Educational

Equity Act, it is not equal. Because it is not equal, we must continue our efforts.

Despite many gains women have made toward equal education attainment and our accompanying gains in the labor force, our earnings are only 80 percent of the earnings of our male counterparts. What do my colleagues think led to that? What led to that was that the educational efforts have been improved, but our salaries have not.

If America is to be her true creed and to her level best, we must continue the work we have begun to eradicate discrimination based on gender. Discrimination anywhere, Madam Speaker, whether it is based on gender, whether it is based on race, whatever it is based upon is unequal, and it is not good for our wonderful country of America.

Yes, there have been peaks and valleys in this process, but we cannot ignore the fact that inequality and discrimination still remain in the fabric of our lives even as we close out this century.

Madam Speaker, we want to be sure to support every facet of the Women's Educational Equity Act as well as the Woolsey amendment.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Madam Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) who does such a wonderful job representing our interests, like the gentleman from Missouri (Mr. CLAY).

I know on this particular issue I want to brag on the Republicans, too. It appears like we do have something that we can agree on. This year has not been the most productive year I have been in Congress. But I will say to my colleagues that, if we can rally around the flag and do something for education, that is important for all of us. Because I stand before my colleagues as a former college president for 4½ years prior to being elected to the United States Congress. I am also cochair of the House Education Caucus with the gentleman from Missouri (Mr. BLUNT).

I stand in strong support of the rule and in strong support of H.R. 2 and our Nation's public schools.

I place a high priority on Title I programs and improving our schools. Quite simply, H.R. 2 is a good, sound bill that emphasizes and builds on what we know works. It expands public school choice, improves the quality of instruction in Title I classrooms, and drastically improves the accountability measures in these programs.

It continues the targeting of Title I resources to the schools with the highest poverty level and adds a new focus to include State, school district, and school report cards to help parents and States monitor student achievement. Strengthening the quality of instruction provided in the classroom is essential in achieving results for all students. In addition, all students and their teachers should be held to high standards. We cannot afford to let any of our schools or students fall through the cracks.

Madam Speaker, I have four very intelligent students visiting Washington, D.C. just this week to participate in the Voices Against Violence conference. They are shining examples of the best of what our schools can produce.

I urge my colleagues to support H.R. 2, to continue to provide these students and their peers with the programs and opportunities they need to be the leaders in their schools and communities.

I am pleased that the gentleman from Indiana (Mr. ROEMER) has been very active as well, and has offered a lot of new initiatives and new programs in order to move this country forward.

Education is the best, cheapest, and fastest way to keep and retain a strong middle class in America. Support H.R. 2.

Ms. SLAUGHTER. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. OWENS), an expert in education.

Mr. OWENS. Madam Speaker, I rise in protest of a rule which limits the debate on the most important education bill that we will have in the next 3 or 4 years. This is a reauthorization of Title I, which is the core of the Elementary and Secondary Education Assistance Act. They have chosen to break up the Elementary and Secondary Education Assistance Act in small parts. But this is the part that is most important.

Why do we have to have a limited debate if we are not busy doing many other constructive things here? Why cannot we have an open debate and let every Member have a chance to speak who wants to speak? I think that this is an issue that probably every Member of Congress should go on record on.

The American people have made it quite clear that they think education is of utmost importance. Recent polls have just continued to reaffirm what the old polls have been showing us for years. The ABC News and Washington Post poll, which was released on September 5, 1999, said that improving education was the top issue when people were asked to list 15 issues of great importance. Improving education was listed by 79 percent as number one; handling the economy was 74 percent; managing the budget, 74 percent; handling crime, 71 percent; Social Security was 68 percent, in fifth place compared to education.

Education, in the minds of the public, both the Republicans and Democrats and Independents, clearly they see with their common-sense vision that this is the most important issue right now that we should be addressing.

They do not make an issue out of whether the Federal Government should do it or the State government or the city government. In their common-sense wisdom, they understand that all levels of government are involved already. They probably understand that local governments and State governments have the greatest responsibilities and contribute the greatest amount of money, but they want the Federal Government to be involved still.

They said also that, among the education priorities—this is the National Public Radio, Kaiser Family Foundation, Kennedy School of Government survey, which was conducted September 7, 1999—they said that among the education priorities within that category, fixing rundown schools is number one. Ninety-two percent said that we should fix rundown schools first; reducing class sizes was number two, 86 percent; placing more computers in the classroom, 81 percent.

My colleagues know that the people have spoken. Why do we only have 6 hours for the amendments and 2 hours for the general debate? Why do we not come and respond to the people? They are saying this is most important. They did not talk about any F–22s, and they did not say we should go search for billions of dollars to keep the F–22s in testing or engineering. They said education is number one. If education is number one, then why not spend all the time we need to discuss it?

There are some basic items which we now must come to grips with. People are still running around saying that the Federal Government is not responsible for education; therefore, the Federal Government should play a limited role; the Federal Government should not get into school construction; the Federal Government should not do this.

We play a limited role, and we want to increase the Federal involvement threefold, fourfold. We still would be playing a limited role. The Federal Government expenditures for education now is about 7 percent. Most of that goes to higher education. If we increased it by up to 25 percent, it is still a 25 percent Federal role, 75 percent State and local government. State and local government clearly are responsible primarily, but why not have more of the Federal role?

All taxes are local. They begin at the local level. The taxes that come to Washington come from local areas. We manufacture money in the mint here, but that money represents the wealth that has come up from the States.

So my plea on the rule is that it should be an open rule that really gives all the time necessary. Every Member was allowed to speak, I remember, when we had the debate on the Gulf

War. It was a matter of war and peace, and they felt we should all be able to express ourselves.

This is a matter of the peace for the future. The key to the peace for the future is education, starting with education in America. We are ahead of everybody else. We should stay ahead of everybody else. But we need a great pool of well-educated people. That pool is going to have to come from the poorest people.

The middle-class sons and daughters are already committed. They are going to be the doctors and lawyers and Wall Street bankers. They are not going to be information technology workers. They are not going to be the people who do the sheet metal work. I went to the sheet metal work training center, and they have more computers in the sheet metal training center than they have in the schools. They now use computers to do the sheet metal work.

Everything is driven by computers, and they need people who have a basic education. The Army and the Navy, they need recruits who have some aptitude for handling high-tech weapons. Everything needs education, and we should spend the time talking about how we, as a Congress, are going to respond to the public's call for more help with education.

Ms. PRYCE of Ohio. Madam Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, I stand here today in support of this rule. I think it is a very fair rule. For those of us that want to introduce amendments, we have 7 to 8 hours to be able to improve this base bill.

One of the things I would like us to take a look at that we have sort of forgotten over the last years is that, in 1996, we had an immigration reform bill, and there was a very heated discussion on this floor about the issue of should the Federal Government, should Congress mandate that local school districts had to educate illegal aliens, not the children of illegal aliens, but illegals.

I think we came to a consensus one way or the other, some did not agree, that this was important enough to the national well-being to require that all school districts have to provide education to those who are in this country, legal or illegal.

Now, I am going to introduce an amendment that will revisit that issue because I think it is only appropriate that, in a city that we say that we want the poor, we want the needy, we want the disadvantaged to have equal access, we also need to say that those working-class communities should have equal access to their tax money, and that the Federal Government should not be requiring the education of illegals at the disadvantage of the legal residents in those school districts.

□ 1500

So all my amendment is going to say is, just as we recognize the Federal impact on local schools when the military goes into an area and requires education of military children, we also are going to now finally recognize the Federal impact on local school districts when we basically have illegal immigrants in the school districts and are requiring them to be educated.

So what I am talking about right now, Madam Speaker, is the fact that it is time that Washington starts paying for the unfunded mandate that we clarified in 1996. And let me point out that that unfunded mandate does not impact the rich, powerful districts. It impacts disproportionately the poor working-class districts of color. This is an issue of fairness, that those who have the least are being required to pay the most for this problem, and it is time for us to address that.

So I ask my colleagues on both sides of the aisle not to walk away from this issue. We made lofty statements and made a decision that we were going to mandate this service. Now it is time that we revisit it and say let us back up our kind words with dollars and cents and let us send the reimbursement to those working-class neighborhoods across America that are being asked to bear the burden of our mandate. I think we not only have a right to start paying for this expense, Madam Speaker, we have a responsibility to start paying our fair share.

Ms. SLAUGHTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Madam Speaker, I yield myself the balance of my time and, in closing, I would remind my colleagues this rule provides for consideration of a bipartisan bill through an open amendment process. Any Member may offer any germane amendment as long as it is preprinted in the CONGRESSIONAL RECORD. The rule does impose a 6-hour time limit on the consideration of amendments; but, overall, the House will have almost 9 hours to debate the Student Results Act and propose changes to it. On top of the 4-day markup held by the Committee on Education and the Workforce, 9 hours of debate on the House floor is wholly adequate.

Madam Speaker, with the passage of this rule, the House will embark on a very important debate over Federal education policy. Today, we are not squabbling about money, we are talking about kids and the tremendous investment that we are making in them. Let us make sure that that investment pays off and our success is measured by the academic performance of students in schools. Where there is failure, let us expose it and be bold enough to try something new. Where there is success, let us reward it and strive to repeat it. And in all of this, let us remember that the best interests of the children must always be paramount.

Madam Speaker, I hope my colleagues will join me in supporting this fair rule so that we can move on to debate legislation that represents the single largest component of our effort to improve elementary and secondary education. I urge a ''yes'' vote on the rule and the Student Results Act.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 336 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2.

□ 1504

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 45 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

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

Madam Chairman, today the House will consider H.R. 2, the Student Results Act, and the major focus of this bill is to reauthorize but, above all, improve title I, which is the single largest Federal grant program for helping educate disadvantaged students.

The bill includes a number of other programs targeted at disadvantaged students, including Indian education, gifted and talented, magnet schools, rural education and homeless education; and I am especially pleased that H.R. 2 also includes key changes to the migrant education program for which I have fought long and hard over the years.

This bill has broad bipartisan support. It was reported from our committee by a vote of 42 to 6, and I would like to thank the full committee ranking member, the gentleman from Missouri (Mr. CLAY); the subcommittee member, the gentleman from Michigan (Mr. KILDEE); and the gentleman from California (Mr. GEORGE MILLER), above all; and many others for their key contributions to putting this legislation together.

The Student Results Act was put together with four overarching principles in mind: quality, accountability, choice, and flexibility. And let me review briefly how each of these has been embedded throughout H.R. 2.

The notion of focusing Federal education programs and quality has been my mission since joining Congress some 25 years ago. Coming here as a superintendent and as a school board president, I knew Head Start was not working, and I knew how to fix it. I knew chapter 1 was not working, which became title I, and I knew how to fix it. But I could not do anything about it. It was so obvious. And I am so happy that, finally, when we reauthorized Head Start, not the last time but the time before, it was the first time we talked about quality. And the last time we reauthorized it, we really talked about quality; and I thank Secretary Shalala because she shut down 100 dysfunctional Head Start programs. I could not get my people to do that when they were down there. So, finally, we are talking about quality.

We have to do the same thing with title I, because it is obvious, all the studies have indicated, that we are not helping disadvantaged youngsters close the academic gap between disadvantaged and nondisadvantaged. So we have to do something to make sure that we do that.

So let me start with the issue of quality, the most important issue facing us today. One of the most distressing features of the title I program for too long and in too many places was that it became a jobs program rather than a program to try to change the disadvantaged to become advantaged academically. So we have dealt with that issue.

And we now have, for instance, over 75,000 teacher aides. Big news. All they had to do was have a GED 2 years after they got the job. Somehow or other, unfortunately, they were teaching reading and they were teaching mathematics, many times without the supervision of a qualified teacher. And these youngsters need the most qualified teachers we can possibly find in order to help them.

So we are freezing the number of teacher aides that they can hire, and we are telling them there are a lot of things they have to do in order to make sure that they continue as teacher aides. Now, my side, some of my Members, do not like that. They say we are telling local districts what to do. Well, it is Federal tax dollars, 100 percent. The program has failed, and we simply cannot fail these youngsters any longer. We cannot have 50 percent of our children in this country in a failing mode.

The Student Results Act includes a lot of other quality issues. One is that they can use some of their new money to reward those who are doing well. The most devastating letter that I got was from one of the largest lobbying groups that deals with these disadvantaged youngsters. And in there they indicate to not reward anybody for doing well, just give them the money and they will continue doing poorly, not giving these children an opportunity for anything that every other child has an opportunity to receive. That is pretty disheartening to get that kind of thing from one of the largest lobbying groups for these particular youngsters and their parents.

Let me make a couple of very important points about accountability. The bill does not provide for more accountability to the Federal Government. Instead, what we are insisting on is more accountability to parents. We thank the gentleman from California (Mr. GEORGE MILLER) for a lot of the information and a lot of the parts that have been put in here in relationship to the accountability provision.

The Student Results Act says that children attending schools classified as low performing must be given the opportunity to attend a higher quality public school in their area. In other words, if that school is a poor performing school, and designated as such, those parents and those children should be able to escape and go to another school within that school district that is not a poor performing school. And we say that in order to get there, there will have to be some transportation money, and they can use some of this money in order to transport their youngsters to that particular point.

We also do things for those school districts that are small, rural school districts particularly. School districts with less than 1,500 students, which is more than 10 percent of the school districts in America, will be exempted from several formula requirements, giving them the flexibility to target funds in a manner which best suits their needs.

In conclusion, I would ask that we consider this bill in the context of our larger efforts at the Federal level to improve education in this country. We started with EdFlex, which passed the House with an overwhelming majority. We followed up with the Teacher Empowerment Act. Now we are considering title I. Again, I would like to emphasize that 50 percent of the youngsters in this country are not getting a quality education. And if we are going to remain a number one country, we positively cannot continue that. They must be in a position to do well in our 21st century.

So I would hope that we get bipartisan support in passing this legislation.

Madam Chairman, I reserve the balance of my time.

Mr. CLAY. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, next April will mark the 35th anniversary of the Elementary and Secondary Education Act, a flagship great society program that underscored our country's national commitment to help communities improve their public schools.

We have come a long way since the deplorable, segregated, and neglected public schools of yesteryear, but not far enough. Today, too many States and too many communities lack either the political will or the financial resources to ensure that poor children get a good education. Too many poor communities lack fully qualified teachers, safe schools, and access to emerging school technology.

Recent reports show that title I is making strides in increasing student achievement. Ten of 12 urban school districts and five of six States reviewed showed increases in the percentage of students in the highest poverty schools who met district or State standards for proficiency in reading and math. These results should serve to broaden our commitment to increase investment in public schools while strengthening accountability for results.

I support this legislation because it strengthens our commitment to improve educational opportunities for students, regardless of their race, economic status. Or special needs. It targets funds to our most disadvantaged children and schools, it requires States to have rigorous standards and assessments, and it increases the title I authorization to $8.35 billion.

The bill imposes strong sanctions for schools who continue to fail after receiving substantial assistance. It also ensures that teachers and teacher aides are fully qualified. I am very pleased that we will include title VII, bilingual education, as part of the manager's amendment, and I commend the gentleman from California (Mr. MARTINEZ), the gentleman from Texas (Mr. HINOJOSA), and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) on our committee who helped forge a compromise on this critical program.

Madam Chairman, H.R. 2 clearly prohibits the use of title I funds for private school vouchers. The proposal to allow vouchers was overwhelmingly rejected by our committee members.

The bill is not a perfect bill, however. There are some provisions that undermine programs for women's equity in education, that repeal the Women's Educational Equity Act, that eliminate the provision that trains teachers to eliminate gender bias in the classroom, and terminates dropout prevention programs for pregnant and parenting teens. The gentlewoman from Hawaii (Mrs. MINK) and the gentlewoman from California (Ms. WOOLSEY) have prepared amendments to restore these provisions, and I hope that this body will vote in favor of them.

Madam Chairman, I want to thank the subcommittee ranking member,

the gentleman from Michigan (Mr. KILDEE), for his work on this bill and the committee members on our side, each of whom made important contributions to the bill. I also want to thank the chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING), and the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE), for working with us in a bipartisan manner.

□ 1515

I urge support of H.R. 2.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLING. Madam Chairman, I yield 6 minutes to the gentleman from Wisconsin (Mr. PETRI) a member of our committee.

Mr. GOODLING. Madam Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Madam Chairman, I just wanted to indicate that we want to make sure that all the school districts know that the next time we test them, they have to test all children. We do not want any of this nonsense of pulling people out to show that they have improved. The Department is now investigating that issue, as a matter of fact.

Mr. PETRI. Madam Chairman, I rise in support of this bill. It is a great credit to our chairman, the gentleman from Pennsylvania (Mr. GOODLING); our ranking member, the gentleman from Missouri (Mr. CLAY); the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE); and, of course, the gentleman from Michigan (Mr. KILDEE). It is a great tribute to all of them that the bill passed our committee with an overwhelming vote of 42–6.

The Student Results Act was put together with four principles in mind: Quality, accountability, choice, and flexibility. It contains several noteworthy provisions.

For the first time, it encourages public school choice, at least in those situations that cry out for it most. The public school choice provision is a simple concept. Children should not be forced to attend failing schools.

One of the problems in education today is that some students, especially many of those participating in Title I programs, are trapped in substandard schools without a way out. The bill allows children attending schools classified consistently as low performing to be given the opportunity to attend a higher quality public school in the area. And if there is no such school in the area, then the school district is authorized to work out a school choice program with another school or schools in a neighboring school district.

Surely, if we cannot fix our worst schools, we should give their students a way out, at least to a better school. Failure to do that is completely unfair to those children and robs our Nation of the contributions they could make if their talents were better developed.

Although Title I has traditionally tried to engage parents in the education of their children through measures such as parental compacts and formal parental involvement policies, I am pleased to note that there are new provisions in H.R. 2 that attempt to address this issue better.

A significant parental empowerment provision is the annual State academic reports on schools and the school district reports. Through these report cards and annual State reports, H.R. 2 makes available to parents information on the academic quality of Title I schools.

Among other things, such information would include test scores at the school as compared to other Title I schools in the district.

H.R. 2 would also require school districts to make available upon request information regarding the qualifications of the Title I student's classroom teachers, including such information as whether the teacher has met State qualifications and licensing criteria for the grade levels and subject areas in which he or she provides instruction.

In an effort to provide a higher caliber of teachers, H.R. 2 also places a freeze on the number of teacher aides that can be hired with Title I funds. For those aides employed with such funds, the bill increases the minimum qualifications that must be met by all teacher aides within 3 years.

Finally, the bill attempts to reward excellence by giving States the option of setting aside up to 30 percent of all new Title I funding to provide cash rewards to schools that make substantial progress in closing achievement gaps between students.

Madam Chairman, when it comes down to it, this is what we are attempting to do. Not only must we improve all our schools, it is especially vital to close the achievement gaps between them and to find ways for low-income students to have equal access to high-quality education.

This bill makes positive steps in that direction; and, therefore, I am pleased to support it.

Mr. CLAY. Madam Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Chairman, I thank the ranking member for yielding me the time.

Madam Chairman, since last spring, our staffs have been working on the reauthorization of this bill. I am pleased that we have finally been able to put forth the reauthorization proposal that establishes a strong foundation for student achievement as we enter the 21st century. During these negotiations, I believe that we have created a balance between the priorities of both parties. Several of the bill's provisions are worthy of mention.

With regard to Title I, the amendment maintains and preserves many of the core advances that the last reauthorization of ESEA in 1994 instituted. Preserved are the requirements for State education reform, based on challenging standards and aligned assessments. Preserved are Title I's targeting of resources to high poverty school districts and schools.

Most importantly, I believe, the strong accountability requirements we have maintained and added to Title I are very critical. Among them are disaggregation of data based on at-risk populations, increased teacher quality requirements, and a focus on turning around failing schools through the investment of additional help and resources.

We can no longer tolerate low-performing schools that place the education of our children at risk. This means that States and school districts will need to provide substantive intervention to help the students of low-performing schools reach high standards.

If schools are still failing after substantive intervention and assistance, then consequences must and should exist. This bill will accomplish this feat.

I will also be supporting the Mink-Morella-Woolsey-Sanchez amendment to restore the Women's Education Equity Act, or WEEA. This act plays a critical role in providing leadership in women's issues. For too long, I have seen the inequities that exist between the genders, especially in fields that produce high economic returns: technology, mathematics, and science.

I am troubled that the base legislation does not include this important program. I urge Members on both sides of the aisle to adopt this amendment.

I also want to express my appreciation to the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Arizona (Mr. SALMON) for working with me to modify the parental consent provisions of this legislation.

These modifications, which are included in the Goodling manager's amendment, will ensure that limited-English proficient students do not go without educational services. And while this compromise is not perfect, I intend to support it.

I want to thank the ranking gentleman from Missouri (Mr. CLAY), the gentleman from California (Mr. MILLER), the gentleman from Pennsylvania (Chairman GOODLING), and the gentleman from Delaware (Chairman CASTLE) for their hard work on this bill.

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

Mr. GOODLING. Madam Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT), another important member of the committee.

Mr. BARRETT of Nebraska. Madam Chairman, I thank my chairman for yielding me the time.

Madam Chairman, I rise certainly in strong support of H.R. 2 today. This bill's renewed emphasis on accountability, local initiative, and student performance provides a very strong foundation for our Nation's schools as we move into the 21st century.

I am particularly pleased with provisions found in Title VI that address the needs of small, rural schools based on a bill I introduced this past summer, the Rural Education Initiative Act, H.R. 2725.

Over 20 percent of the students in this country attend small, rural schools; and many of these schools, of course, are found in my Nebraska district.

For the most part, these schools offer students excellent educations and many benefits, including small classes, personal attention, strong family and community involvement. However, until now, the Federal formula grant programs have not addressed some of the unique funding needs of these districts because they do not produce enough revenue to carry out the program that the grant is intended to fund.

The rural education initiative in H.R. 2 is completely optional. However, if a school district chooses to participate in exchange for strong accountability, the rural provisions will allow a small rural school district with fewer than 600 students to flex the small amounts that they receive from selected Federal formula grants into a lump sum and then receive a supplemental grant. No school district would receive less than $20,000. And to these very small districts, this can make a huge difference.

The rural education initiative has broad bipartisan support and has been endorsed by over 80 education organizations including the National Education Association and the Association of School Administrators. It does provide a common-sense approach to using Federal dollars in the way that Congress intended, that is, to ensure all students, regardless of their background, have the opportunity to receive a high-quality education.

I encourage support for the program and, of course, for the passage of H.R. 2.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Chairman, I thank the ranking member for yielding me the time.

Madam Chairman, I rise in strong support of H.R. 2. It is a good bill I think we can support with bipartisan effort today. But it can be better. And it can also be made worse.

It can be better by the acceptance, I feel, of some crucial amendments that will be offered later today, one of which will be offered by the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from Hawaii (Mrs. MINK), and the gentlewoman from California (Ms. SANCHEZ) on gender equity issues; one by the gentleman from Indiana (Mr. ROEMER) which will increase the authorization level of this program by $1.5 billion.

But it is also a bill that can be made worse through a variety of amendments that may also be offered, one of which is the portability amendment, which I think given the roughly per capita $600 share that a student receives under Title I funding really does not go that far if it is attached as a voucher or portability type of provision rather than a targeted one.

This week, we had over 350 students from around the country come to our Nation's Capitol to have a serious discussion about school violence. One of the common refrains that I have heard in speaking to a lot of the students which are from western Wisconsin is that we here at the Federal level and the State legislatures have an obligation to ensure that all the students in the country receive a quality education regardless of the wealth of their community, regardless of their own socioeconomic background.

And in essence, in a nutshell, that is what the Elementary and Secondary Education Act was really geared to do over the last 35 years and specifically the Title I funding.

The Federal role in K–12 public education is relatively small, roughly 6 or 7 percent of the total spending that is going on out there, but it is a very important role because of the targeted nature in the limited funds in this bill, roughly $8.3 billion. It is targeted more to the disadvantaged, lower-income students in our school system. And because of that, we are able to leverage the money to get a bigger bang out of the buck.

I am concerned with the directions that some of the amendments will go to as far as vouchers, portability that would dilute that leverage effect on the quality of education.

I certainly hope that after today's debate and the amendment process that we go through and, hopefully, at the conclusion when we receive bipartisan support that we do not take up another measure tomorrow, referred to as ''Straight A's'' that would effectively blow up everything that we do in essence today by just block-granting all the money back to the States, and we would lose that crucial targeted priority effect that we currently have right now in Title I funding.

But one component of the bill I want to speak on, and I want to commend the gentleman from Nebraska (Mr. BARRETT) in this regard, and that is the rural school initiative. We have got some changes in Title X funding that targets rural schools because of the unique nature that they always face and the challenges that they face, the isolated nature, the difficulty in recruiting teachers and administrators, the difficulty of them to join professional partnerships, consortiums for professional development purposes.

What the rural school initiative will do is add greater flexibility, along with some accountability provisions, to give them more leeway in targeting this money and how best they can use it to get the best results in rural school districts.

So I commend both the chairman and the ranking member for the efforts that they have put into it and the ranking members on the subcommittee that truly believe that this is a good bipartisan bill that, hopefully, at the end of the day, will receive all of our support.

Mr. GOODLING. Madam Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. ISAKSON), our newest member on the committee.

Mr. ISAKSON. Madam Chairman, I thank the chairman for yielding me the time.

Madam Chairman, I would like to also address this House on a point, as a new Member, which I would like to make from the outset. I want to thank the chairman for his time and his dedication to allow all sides to have their way in committee and have their say. I want to thank the gentleman from Missouri (Mr. CLAY) for the amount of time that he put in and the amount that he afforded to all of us, and the gentleman from Delaware (Mr. CASTLE), the subcommittee chairman, and the gentleman from Michigan (Mr. KILDEE) as well.

My purpose in rising to speak on this is because I have had the unique opportunity during the past 2 years in Georgia before I came to Congress to be the recipient of Title I funds as chairman of the State Board of Education to see actually what happened with Title I funds and to see actually what the effect of Federal regulations and lack of flexibility in some cases or lack of direction in others or in some cases too much direction really did.

□ 1530

All of us have been frustrated that this program, which is targeted to the most needy in our country, never seemed to bring about the results that we had hoped for. I think the gentleman from Pennsylvania's efforts and the efforts of the committee in this bill, which I sincerely hope this House will pass in an overwhelming and bipartisan fashion, will bring about results, and I do so for four specific reasons:

Number one, for the first time these funds go to systems and accountability is required in return. For the first time we are going to measure the response of systems in terms of the effectiveness of the use of this money in Title I, our most disadvantaged students.

Number two, one of the most difficult problems in public education in dealing

with Title I students is having the transportation necessary sometimes to move those students to the best possible school. Under the leadership of the gentleman from Pennsylvania, the school choice in this bill within the school district itself allows local superintendents to use Title I funds for the transportation of a Title I student out of one school to any other school regardless of the percentage of Title I students in that school. Environment oftentimes can be the main change in a child's attitude and in a child's learning ability, and the leadership of the gentleman from Pennsylvania in providing this is essential.

Third, the reduction from the 50 percent requirement to the 40 percent requirement in terms of percentage of Title I students in order to use funds for a schoolwide project is essential. I found in committee there was a little bit of a lack of understanding about what a schoolwide project is. A schoolwide project is the ability to take Title I funds, merge them with other funds, State, local and in some cases Federal, and use them in a broad-based program in the school that benefits all students. The reason this is important to Title I is as follows, and I want to use some very specific examples.

In our youngest children, in kindergarten and in first grade, basic things like eye-hand coordination and team building programs necessary in the building blocks of learning are essential to involve not only children who are disadvantaged but children who may not fall in that category, because kids learn by example. And a schoolwide program allows money to be merged, money to be enhanced and kids to be put together in that learning experience. A second example is reading. To assume that all money should be targeted in Title I outside of a schoolwide project or with an overwhelmingly high requirement means that you lose the ability to merge those disadvantaged children with more advantaged children in the process of reading. In kindergarten through third grade, the most essential thing we can do in America's schools is improve the reading ability and reading comprehension of our children. This move by widening the ability to use funds and merge them for schoolwide programs and by lowering the threshold from 50 percent to 40 percent is going to ensure that those children most in need of better education also are exposed more to programs that involve those children who are already performing.

I rise to support the chairman, the ranking member and the committee and urge this House to pass the reauthorization of ESEA.

Mr. CLAY. Madam Chairman, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Chairman, I want to thank the gentleman for yielding me this time, and I want to thank him and the gentleman from Pennsylvania for all their work on this legislation. The gentleman from Missouri (Mr. CLAY) and the gentleman from Pennsylvania (Mr. GOODLING) put in a lot of hours as have the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) who have really carried the bulk of the work around this legislation. But I think we had an opportunity in the markup of this legislation for all members to participate, and I think it was one of our better hours in this committee. I also want to thank the gentleman from Georgia (Mr. ISAKSON) who just spoke because of his willingness to sift through many hours of hearings and also the markup and contribute, I think, a unique perspective to some of the deliberations that we were having about this legislation and the impacts of some of the things that we wanted to do on local districts.

The Federal Government has spent roughly $120 billion over the last three decades funding this program and the results have been mixed. We have closed the gap to some extent between rich and poor, majority and minority students, but the gap remains wide and it remains open. We ought to see in this legislation if in fact we can close that gap, and I think that this legislation has a chance of finishing the job.

In return for our investment over the next 5 years of $40 to $50 billion, we are asking that the States measure the performance of all students and that it set goals of closing the gap of achievement between majority and minority and the rich and poor students; we ask that children be taught by fully qualified teachers; we ask that schools and teachers be recognized and rewarded for their successes in improving student achievement; and that parents be given clear and accurate information about their child's educational progress and about the quality of their schools. And what we ask most of all in this bill is that we educate all children, each and every child, that no child is left behind. This can be done, it has been our rhetoric for 20 years, but it has not been what is happening in the classroom and it has not been what is happening on the ground.

We understand now that all children can learn. We have enough information to fully understand that children from disadvantaged backgrounds can learn as well as children from the suburbs and elsewhere. If we set standards, if we have high expectations of those students, we now know that that kind of success is possible. But we must have those expectations of success and we must have qualified teachers and we must monitor the achievement. It can be done.

Just this last week, we learned that it happened again in the State of Texas where this same kind of decision that we are making here today was made in Texas under the leadership of everybody from Ross Perot to Ann Richards to George W. Bush. We learned last week that in Houston and Fort Worth, the gap was closed between majority and minority students, that in fact the achievement was coming closer together. We have seen it in Kentucky where many schools achieving the highest scores last year in reading and writing were in high poverty schools, in the South Bronx in the KIPP Academy, once again where we ask students to achieve high standards, where we have the expectations that they can achieve and we put them together with qualified teachers and good curriculum, those children in fact throw aside mediocrity, they throw aside the failure and they achieve as our expectations are in this country for all of our children.

I believe that this legislation starts that process on a national scale. I believe that we can have qualified teachers in all classrooms, that we can have these expectations of our young children and they can meet those standards of achievement and we can have rich and poor children, majority and minority children learning at the same rate. But we will have to hold on to these standards as this bill continues to progress. I think we continue to need to provide additional funding and there will be amendments that address that, because one of the things we know about this system is it is, in fact, resource poor. But we will get to that later in the deliberations on this legislation.

I want to thank every member of the committee and especially the committee chair and the ranking member and the subcommittee chair and the ranking member. This was long hours of negotiations, some of which went on until this morning, I guess, over some of this legislation. I want to thank the staff on both sides for all of their effort.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PAUL), another member of our committee.

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

Madam Chairman, I rise in opposition to this legislation. I know that the goal of everyone here is to have quality education for everyone in this country. I do not like the approach. The approach has been going on for 30 years with us here in the Congress at the national level controlling and financing education. But the evidence is pretty clear there has been no success. It is really a total failure. Yet the money goes up continuously. This year it is an 8 percent increase for Title I over last year.

In 1963, the Federal Government spent less than $900,000 on education programs. This year, if we add up all the programs, it is over $60 billion. Where is the evidence? The scores keep going down. The violence keeps going up. We cannot keep drugs out of the schools. There is no evidence that our approach to education is working.

I just ask my colleagues to think about whether or not we should continue on this same course. I know the chairman of the committee has made a concerted effort in trying to get more local control over the schools, and I think this is commendable. I think there should be more local control. But I am also convinced that once the money comes from Washington, you really never can deliver the control back to the local authorities. So that we should give it serious thought on whether or not this approach is correct.

Now, I know it is not a very powerful argument, but I might just point out that if Members read carefully the doctrine of enumerated powers, we find that it does not mention that we have the authority, but I concede that we have gotten around that for more than 35 years so we are not likely to reconsider that today. But as far as the practicality goes, we should rethink it.

If we had a tremendous success with our educational system, if everybody was being taken care of, if these $60 billion were really doing the job, if we were not having the violence and the drugs in the school, maybe you could say, well, let us change the Constitution or let me reassess my position. But I think we are on weak grounds if we think we can continue to do this.

There are more mandates in this bill. Even though we like to talk about local control, there are more mandates, and this bill will authorize not only the $8 billion and an 8 percent increase this year, but over the next 5 years there will be an additional $28 billion added to the budget because of this particular piece of legislation.

I ask my colleagues, give it serious thought. This does not deserve passage.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Chairman, I thank the gentleman for yielding me this time. I rise as a graduate of and a believer in American public schools to support this legislation. I think there is a broad consensus among the Members of this Congress that a very top priority is that we improve our public schools. Our employers are asking for it, our parents are asking for it, our students and our teachers are asking for it, and I believe this legislation takes an important step in that direction.

I commend the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY), the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) for their excellent bipartisan cooperation in bringing this legislation to the floor. I think we should do more, and I hope that before we adjourn for the year, we find it in our agenda to enact the President's class size reduction initiative and put 100,000 qualified teachers in America's classrooms. I hope that we enact for the first time a meaningful Federal program to assist in the construction and reconstruction of our crumbling schools. But I think this legislation is an important step in the right direction.

It is important for what it does, by placing tutors and learning materials and new opportunities in the hands of the children who are least likely to have those opportunities without this law. As the gentleman from Wisconsin (Mr. KIND) said, it is important for what it does not do, because it does not take us down the false promise path of vouchers and the privatization of our public schools. I commend the leaders of our committee for reaching that delicate balance.

I would also like to thank the leaders of the committee for including in this bill two initiatives which I have sponsored and supported, one which attempts to stem the tide of school violence that we have seen in this country by the enactment of peer mediation programs that help young people work out their differences among themselves. I also thank the leadership for their inclusion of an effort that the gentleman from Indiana (Mr. SOUDER) and I have worked on to promote the education of young people in entrepreneurship, so that young people may learn ways that they may build businesses into successes to pay taxes to support our public school system.

I will be offering an amendment later today which attempts to give local educators a new tool to expand the benefits of the ESEA to preschoolers, to 3-, 4- and 5-year-olds who are not yet in kindergarten. There is no rule that says that we should wait until our children are 5 years old before they start to learn. They sure do not wait until they are 5 years old. I believe that my amendment will liberate the resources of this bill to help local school decisionmakers make prekindergarten programs a more viable success in the future.

I would urge my Republican and Democratic colleagues to step forward, show the country that we can act together for the benefit of America's education and pass this bill.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Madam Chairman, education is about providing our children with the tools they need to get a good education, like flexibility, accountability and choice. After 30 years and $120 billion, Washington needs to realize it is not how much you spend but what you spend it on that counts.

For too long, we have spent money educating bureaucrats in regulation, red tape and Federal control. But now we are returning control and flexibility to the States while at the same time demanding more accountability for your tax dollars.

□ 1545

I am especially proud that many of the reforms provided in this bill are mirrored after the efforts of my home State of Texas. Under the proven leadership of Governor George Bush, Texas has become the model for school accountability and student achievement. In fact, the 1998 national assessment of education progress recently reported that eighth grade students in Texas scored higher on average than the entire Nation in writing skills.

Madam Chairman, this proves once and for all that giving the States, teachers, and parents greater control over their children's education works. That is what this Congress is doing today.

Mr. CLAY. Madam Chairman, I yield 3½ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Madam Chairman, I rise, first of all, to commend the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Delaware (Mr. CASTLE) and my ranking members on the Democrat side, the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE), for crafting, I think, very significant and important bipartisan education legislation that will hopefully be signed by the President of the United States into law. That is a difficult task today in Washington.

I also want to talk about three parts of this bill. First of all who, who does this bill help; secondly, what do we do to help those children; and, thirdly, why, why might we need to do more through the amendment process?

First of all: Who?

This is the title I bill for education that is targeted at the children who are most likely to drop out of our Nation's schools and possibly get into trouble, crime-related trouble. This is legislation targeted at children that are eligible for free and reduced lunches that oftentimes get their only hot meal at school. This is targeted at children who are below the poverty line, children that are in families making less than $16,600 per year. That is who we are trying to help. I think it is the most important thing that we can do in a bipartisan way as Members of Congress.

Now what do we do in this legislation? Well, with the majority, some in the majority's help, and with the minority's help I attached an amendment

in committee to broaden public school choice to give parents more choice as to where they send their children to school and hopefully not wait until the school fails and hopefully share good ideas. If Indiana has a good idea in public school choice, let us share it with Wisconsin and California.

We have report cards in this legislation to share academic and report academic progress. We have teacher certification by the year 2003. We have school-wide projects.

So, many good things, but it is not enough. What else do we need to do and why?

I will be offering an amendment to increase title I funds by 1.5 billion more dollars. I will offer that as the Roemer-Quinn-Kelly and Etheridge amendment, two Democrats and two Republicans. Why do we need to do that? Because of the strength of this bill. We put a good Republican-Democrat bill together that does require more from para-professionals, that does require more from teachers, that is not fully funded. We need $18 billion more to fully fund this bill to get to every eligible child. Let us make sure we have this bill have the opportunity to work. I ask for bipartisan support for that amendment.

To paraphrase President Kennedy, if not now, when for these poorest children; and if not for the poorest, the most disadvantaged and the most needy, who should we help in this society? Let us pass this bipartisan amendment to increase funding for the most needy, the poorest, and the most disadvantaged children.

Mr. GOODLING. Madam Chairman, I yield 3½ minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Madam Chairman, I certainly rise in strong support of this bill, and as a member of the Committee on Education and the Workforce, I was really proud to see that we came together across the aisle on the committee and by a vote of 42 to 6 demonstrating that there is genuine and real evidence that on a bipartisan basis we can do what is right for the American people and for these children, children who are our future, and that is not just silly rhetoric; but we are facing a new millennium. I mean it genuinely. We are doing this for the children who are the future, and I think it is most important for me from my side of the aisle and in something that I have learned over the years, whether I was in the Parent/Teacher Association or a member of the Board of Education or someone on the committee, that we are really focusing on student achievement, because that is what this is all about, and not filling out the right forms and not supporting more red tape and regulation, but making sure that the Government's program, that our dollars are really going for quality programs, academic accountability, and local flexibility.

That is something I believe deeply in, local control and the flexibility.

I think that the most important thing is that we recognize that all States, school districts and schools should be held accountable for ensuring that students are raising their standards of academic accountability. Otherwise, why are we giving out more money into the classrooms? And the reports that will be issued to the parents and the community on student achievement and teacher qualifications, which is another component of this bill, all will be indicators of quality schools.

I think that one of the most important things in the bill to stress again in another way is that we are sending dollars to the classroom and less dollars for bureaucracy, and to state it with precision. Ninety-five percent of the funds in this bill, as prescribed, will go to the classroom and very limited amount for State or local bureaucracies and reporting requirements.

I think the thing that we must understand is that we are basing our instructional practices on the most current and proven research, and we are not using them as incentives for more trendy fads or more experimentation, but we want proven results and proven research to be funded.

Then I guess finally I must say, and I hope that this will prove to be the case in the implementation of this legislation, that parent involvement will be an essential component of this title I legislation. Parents must be notified if their children are failing or if their schools are failing, and so we are including parents.

As a former teacher and a mother, I just want to say, and I think my colleagues know this, but I want to stress it, I am not speaking out of theory here, but I am a former school teacher, a mother of three who went and graduated from public schools and also a school board member, and I know firsthand that State and local school districts will use that flexibility to build better schools and to ensure accountability and higher achievement levels, and I think that is what we owe this country as we face the new millennium.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Madam Chairman, I also want to add my congratulations to the chairman and to the ranking members for their good work in putting together a bill that moves us forward on the work that was begun in 1994, the idea of having a bill that gives all students the best chance to have the kind of education that we want our children to have.

This bill focuses on accountability. It allows us to determine the academic progress based on disaggregated information so that we can assure that every student, majority and minority, whether they are rich or they are poor, are getting the kind of improvement and the kind of success that we want them to have in our public educational system. The bill allows for reporting to parents so that they know that the teachers are qualified and that their children are getting the kind of attention that they want, and they get to measure the performance of their schools so they can make decisions about where they send their children.

This would allow us for the first time to define and require fully qualified teachers; and when put together with other legislation this committee has passed this year, it allows us to make sure that we give teachers the kind of support they need to be the very best. We are providing for mentoring; we are providing for good professional development, and that moves the whole system across because the most important thing, of course, is a qualified teacher in every classroom.

We need to know that this bill also authorizes, it brings from a demonstration program to a fully authorized program the comprehensive school reform that allows schools to get sufficient moneys, to look out and see what programs are research based, proven effective, for that school to implement for a curriculum with standards that can be measured that brings in the parents, brings in volunteers, and brings in the kind of work that we need in our schools and gives them the flexibility of putting together a program to lift that entire school from literacy right through to every other subject and focus where they know that school needs the most attention.

This is a bill that is worth supporting but still needs some attention, and we hope that before we wrap this up we will look at passing the bill of the gentleman from Pennsylvania (Mr. FATTAH). I am going to join the gentleman from Pennsylvania in an amendment that will make sure that all of the services the children get are comparable, that they have equal access to quality teachers, curriculum, and learning resources.

With those things done, Madam Chairman, it is a good bill, and we would urge support.

Mr. GOODLING. Madam Chairman, I yield 2½ minutes to the gentleman from Kentucky (Mr. FLETCHER), another new member on the committee.

Mr. FLETCHER. Madam Chairman, I rise to speak in support of the Student Results Act of 1999, the reauthorizations of the Elementary and Secondary Education Act, and certainly laud the gentleman from Pennsylvania (Mr. GOODLING) for all of his work along with the ranking member in this bipartisan effort.

Now the education of our children is one of our greatest responsibilities, and

this bill is about children that often are born and know only poverty and failure. It is based on some very important principles, the first being accountability and rewards. For about 34 years we spent $120 billion on programs in title I to help those disadvantaged students, and yet we have not seen the kind of results that we should have seen spending taxpayers' money to that degree. But we have a bill here now that gives that money and holds the students and the teachers, the local education administration, accountable. Certainly it empowers them, but it also has the kind of accountability that we can ensure that those students show improvement like we have seen in many other States.

Flexibility is another important principle here with local control. It allows local teachers, parents, and local education administrators to really use the resources that match the local needs. A one-size-fits all does not work. The needs of my home State differ even within my own district in different counties, and I think this bill gives the kind of flexibility that is needed.

Thirdly, it gives choice. It gives disadvantaged students the choice of public schools; and with this choice, I think it renews hope to those students. As my colleagues know, some schools in some areas, we could put a banner over them and say that all who enter, abandon hope, because they have continued to operate without empowering the students, without showing the students that they can improve, without giving them what they need; and yet this bill gives those students when schools fail to have a choice to go to another school, not to be robbed of hope, but to enter a school where they can be taught and mentored.

It also empowers teachers. It also gives the students the hope of having a mentor or a teacher that is well trained, that is capable, as well as the classroom aides that have the kind of instruction and training that they need.

□ 1600

I am very glad to stand and speak in support of this bill and the work that the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee, has done, and I certainly laud him. I am thankful for the opportunity to work on the committee.

Again, the education of our children is one of our greatest responsibilities. I think this bill moves us in the direction of giving more local control and restoring hope to children.

Mr. CLAY. Madam Chairman, I yield 3½ minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Madam Chairman, I would like to join in the celebration of bipartisanship on this bill. However, I think it is too early to celebrate, and we have to look at the context in which this bill is being offered today. It is being offered in a context where we have already this year passed an Ed-Flex bill which set the stage for giving a great deal of power and decision-making authority to the governors. Tomorrow or next week, we are going to be considering something called a Straight As bill, which is going to wipe out most of what we say today about the Title I concentration on the poorest youngsters in America.

Within this context, we have to consider what we are doing today. When they move today to take the first step as sort of a guerilla, beachhead action, we are going to reduce the concentration required of poverty youngsters in a school from 50 percent to 40 percent, and this bill is just the beginning.

This bill looks like a status quo bill with just a few innovations here and there, and a little increase, but it is setting the stage for something very different. I would certainly be quite happy if we could leave it up to our leadership on the Committee on Education and the Workforce. The people there have the institutional memory, and they have the dedication to education. We could do a great job if we did not have these overriding forces of the majority of the Republicans here who are pushing still to minimize the role of the Federal Government in education. One way or another they are going to do that, and the stage is being set today for the block grant. By reducing the thresholds from 50 percent to 40 percent, that is the first stage, and then the Straight As bill will come along and it will push out the decision-making of the Federal Government to a great degree and hand it over to the States. We are moving toward a block grant rapidly. The Senate, the other body, has a bill which is probably going to lead up to that block grant and move us in a direction that we do not want to go.

I have several amendments that I will introduce later dealing with innovative programs which I think we should undertake at this time. This should not be a status quo bill. At a time when the United States is at peace and with unprecedented prosperity, we should be taking a great leap forward in education. This bill, which is going to be our reauthorization for 5 years, ought to be an omnibus-cyber-civilization education program to guarantee the brain power and leadership that we need in our present and for our expanding and future digitalized economy in a high-tech world.

This Congress should take that step now. At the heart of this kind of an initiative, we should set the important revitalization of the infrastructure of our schools. That is, we should have a major program in this bill. It is germane. It is possible that in this bill we could have a program for school construction. I will be introducing an amendment which calls for a 25 percent increase in the Title I funding for health, safety and security improvements in infrastructure.

I will also introduce an amendment for training paraprofessionals. That is the best source of teachers, and we have a shortage now and one that is going to get worse. The source for new teachers is paraprofessionals. Also, I will offer an amendment for an increase to train and develop staff for technology.

We should not be content with the status quo. We should not accept the leadership outside of the Committee on Education and the Workforce which wants us to do the least possible and to turn over the role and authority of the Federal Government to somebody else. We should push for what the American voters demand, and that is a major innovative, creative approach to the improvement of education.

Mr. GOODLING. Madam Chairman, could I inquire as to the division of time.

The Chairman pro tempore (Mrs. EMERSON). The gentleman from Pennsylvania (Mr. GOODLING) has 17½ minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 19½ minutes remaining.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Madam Chairman, I thank my colleague for yielding me this time. I want to congratulate all of the members on the Committee on Education and the Workforce for all of their hard work, certainly the gentleman from Michigan (Mr. KILDEE) and the gentleman from California (Mr. MCKEON) and to all of the chairs and ranking members who worked so hard and diligently to provide us here in the Congress with something that all of us could be proud of and something that all of us could vote for.

Title I, Madam Chairman, as you know, is our Nation's educational safety net. In 1999 and 2000, the State of Tennessee's public schools will receive more than $130 million in Title I funding. These resources play a vital role in helping to keep poor schools or schools with a high percentage of poor students on a fiscal par with wealthy ones. Our responsibility is to ensure that these dollars drive better performance. This bill seeks to do that. This year, the Memphis City school system, which is in my district, received a Title I grant of approximately $27 million. This grant fully funds 114 schools which have a poverty index of at least 70 percent.

Our challenge, as we consider legislation today that would authorize nearly $10 billion in programs for the Nation's low-income students, is to reverse the quality drain in our public schools and prepare every child for the 21st century marketplace. As important as Title I is

to my district and State and Nation, Madam Chairman, we must recognize that it is not perfect.

Three principles should guide our deliberations: investment, quality, and accountability. We must acknowledge Title I shortcomings and look to it for the 21st century, but we must resist the extremist impulse to gut the Federal role in support of our neediest students. We must focus our limited Federal education dollars on policies and practices that work to raise teacher achievement and improve teacher quality. Unfortunately, we will consider something very soon, a Straight As proposal that will not quite bring the bipartisanship and the cooperation and really the comity that we see pervading this debate right now, because quite frankly, many of us on this side of the aisle believe that Straight As guts many of the accountability provisions and, quite frankly, does not direct and channel the resources to those students who need it most.

With regard to the reauthorization of this ESEA, what we need to do, it means allowing school districts to establish pre-K education programs; helping to equalize per pupil expenditures across States; providing parents and communities with valuable information about the qualifications of their teachers; training teachers that use technology in Title I schools; providing violence prevention training and early childhood and education programs, and ensuring gender equity.

Madam Chairman, as we proceed with this debate, I believe it is imperative that we understand the direct connection between enhancing Title I and broader goals in our society. When I travel around my district and my State, principals describe for me the importance of providing all children with opportunities early and often. Principals and teachers recognize that if we fail to serve these children, we will see not only low achievement, but higher dropout rates. They know firsthand that this results in higher rates of incarceration and in lower overall levels of productivity.

It is important to note that here in this body and State legislative bodies around the Nation, no one objects when we talk about building new prisons. No one objects to constructing new prison cells. We have an opportunity now to expand opportunities in the classroom. I support my colleagues on the Republican aisle and my colleagues on the Democratic aisle. We are ready to support this bill and move forward.

Mr. GOODLING. Madam Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), a member of the committee.

Mr. CASTLE. Madam Chairman, I rise in strong support of H.R. 2, the Student Results Act, a bill to authorize a number of special population programs under the Elementary and Secondary Education Act. H.R. 2 renews most importantly the Title I program, our Federal commitment to help our most disadvantaged children achieve equal education opportunity.

Since its inception in 1965, Congress has recognized the importance of the Title I program and has sought to strengthen it. Today, the purpose of Title I is to narrow gaps in academic achievement and help all students meet high academic standards. Yet, without clear performance measures and real accountability, Title I will do little to positively impact student achievement.

With the help of the gentleman from Missouri (Mr. CLAY); the gentleman from Michigan (Mr. KILDEE); and the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee; a lot of very good steps are included in this bill; and for that we should all be thankful.

H.R. 2 maintains State content and performance standards; and, for the first time, sets a date certain for the implementation of State student performance assessments. These standards and assessments, which were first established during the 1994 reauthorization, which was another positive step for Title I, will help States and local districts and schools measure the academic progress of its students and identify those schools in need of assistance.

H.R. 2 also strengthens existing accountability provisions by requiring States, school districts, and schools to report performance data by separate subgroups of students such as those who are economically disadvantaged and limited-English proficient. By encouraging States to make decisions about academic achievement based on disaggregated data, we eliminate averages, which can mask the shortfalls of certain groups and open the door to improvement for all children. And, in addition, H.R. 2 requires States who choose to participate in the Title I program to widely distribute information on the academic performance to parents and the public through report cards or other means. This change will help parents access the information they need to become a full partner in their child's education.

The Student Results Act also ensures that the nearly 75,000 teachers' aides hired with Title I funds are qualified to provide instruction in reading, language arts, and math. Under current law, many of these aides provide direct instruction to our most disadvantaged students and with a minimum of a high school diploma or GED. We freeze the number of teachers' aides that could be hired with Title I funds; and within 3 years, we require all aides to demonstrate the knowledge and ability to assist with instruction based on a local assessment.

Finally, H.R. 2 ensures that no student will be forced to attend a failing school. Specifically, it requires schools to notify parents of their ability to transfer to another public or charter school as soon as the home school is identified as one in need of school improvement. In addition, the bill makes the existing choice program viable by allowing States, if they so choose, to use Title I funds for transportation.

With new flexibility and new authority to operate school-wide programs, the Student Results Act, when combined with Ed-Flex waivers, makes the Title I program extremely pliable. We challenge all States, school districts, and schools to determine how best to raise the academic standards of all children.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Madam Chairman, I want to first commend the chairman and the ranking member for their hard work together in a bipartisan manner to bring to us this important legislation today.

I rise in support of H.R. 2 because it continues to provide the necessary investment in education to the low-income schools that need it the most. At the same time, it ensures that schools must produce results for the assistance they receive.

As a former teacher and the husband of a teacher, I have seen firsthand the benefits investing in our kids can make and how, with quality education, even the poorest of our children can find better opportunities.

I agree that education policy should remain a local issue, and that is why I cosponsored and supported the education flexibility act. But we as a Nation have a responsibility to ensure that no child is left out of the opportunities education provides. That is why I will support this bill because it says that no one will be left behind with substandard education.

Madam Chairman, H.R. 2 focuses this limited Federal role on impoverished students and requires that schools and localities receiving Title I funds are held accountable for student performance. In addition, H.R. 2 ensures that our kids get a quality education with quality instructors. I also cosponsored the rural school initiative that targets the same children and will help us utilize the resources and allow flexibility to reach these same children.

I want to urge my colleagues to remember these children and that we do our best for them and leave no child behind. Vote for H.R. 2.

Mr. GOODLING. Madam Chairman, I yield 4½ minutes to the gentleman from Colorado (Mr. SCHAFFER), another member of the committee.

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

Madam Chairman, a couple of comments that I would like to make. As a

member of the Committee on Education and the Workforce, I sat through the 3½ days of comment and testimony and debate about the bill before us today, and it is with a certain amount of reluctance that I rise to oppose the bill and urge Members to vote against it.

I do so because I have come to the conclusion, one that I think is easy to reach by reading the bill, that this bill, while it proposes to offer more flexibility to States, it actually does quite the opposite. This bill is loaded with new mandates. It is heavy on prescriptions from the Federal Government. And it does so in a program that over the last 30 years has spent some $120 billion on a program that members of both parties, and in fact, some of the program's strongest advocates have described as a dismal failure.

□ 1615

I would like to read a quote that was issued today describing the bill from former Assistant U.S. Secretary of Education. It says, ''The depressing bill on the House floor today suggests that when it comes to Federal education policy it matters not whether or not the Congress is Republican or Democrat. Neither seems to care about the kids. Neither is willing to preserve the status quo. Both are willing to throw good money after bad. This Title I bill is essentially more of the same, which is why the education establishment likes it, why the establishment's cheerleaders in the media have praised it and why it will not do anything good for America's neediest children, though it will continue to pump billions into the pockets of those employed by their failing schools. It perpetuates failed programs, failed reform strategies and a failed conception of the Federal role. To all intents and purposes, Lyndon Johnson is still making Federal education policy, despite 3½ decades of evidence that this approach does not work. A huge opportunity is being wasted. Needy kids are being neglected. The blob is being pacified. States and districts with broken reform strategies are being spurned and the so-called reforms in this package, while not harmful do not amount to a hill of beans. Every important idea for real change has been defeated, though some brave House members are going to try to resuscitate them,'' and I will end the quote there.

It goes on to talk about tomorrow's debate on Straight A's as an opportunity for real reform and that we should keep our fingers crossed.

The author of that quote, Chester Finn, again a former Assistant U.S. Secretary of Education, is right on the mark, Madam Chairman. We are for accountability. Accountability is a nice topic. It is one that we should be in favor of. This bill takes a bad program, adds $900 million in new authorization and proposes to fix this broken system with new Federal controls, new Federal definitions of quality and new Federal prescriptions for change at the local level.

I submit that it will not work, and we should not have any reasonable expectation that it will work. I do not doubt that it makes us feel good here in Washington. From that perspective, this bill certainly satisfies a certain therapeutic need that we may have because we care about these children, and we want to see the dollars get to their classrooms, and we want to see them progress and improve academically. That is a goal to which we all can agree.

The notion that we here in Washington, D.C. can establish new rules, new regulations, new mandates and expect them to take hold in all 50 States, in tens of thousands of school districts, and make some meaningful improvement is the same failed philosophy that this Congress has pursued for decades. This bill truly is more of the same, and I am afraid to say that.

One of the opportunities that we missed is in full portability. If we really believe that the fairness in education should be measured by the relationship between students, we should allow the dollars that are spent in this bill to follow the students when they try to seek the academic opportunity in the best setting, according to their parents' choice.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Chairman, I am glad to follow my colleague, the gentleman from Colorado (Mr. SCHAFFER), because obviously I support the bill generally; but I had some concern about the committee mark, and I am told that it has been corrected in dealing with limited English proficient children under title I. The concern I had was a parent would actually have to give permission for their children to be in a bilingual program or even be in title I if they were limited in English proficiency.

I do not have any problem with parents being able to take their children out of a program, but to get that parent's permission before, and the wife that is a schoolteacher, oftentimes they do not have the correct address sometimes and the teachers are the ones that are going to have to follow up on making sure that parent gives that permission; and it is the children who will be in a no-man's land for a period of time. I know the manager's amendment, I think, corrected it where that child will be in that program and if the parent wants to remove them that is fine because it ought to always be the parent's decision.

In fact, that is the way the practice is today because in my own district children say they do not want their children in bilingual, and it is not that difficult to remove them from that if the parent wants it.

The bill overall is very good. In fact, even in the administration statement where it said that in supporting the bill that the House should change or should delete the provisions that would require parental consent for title I services and jeopardize student access to the full title I benefit and opportunities of the high standards and, again, I think the manager amendment has done that and I congratulate both the chairman and the ranking member and the committee for being able to do that, because I have been in every public school in my district. I have watched bilingual programs work, and they do work. Students do not stay in there for their full life. They stay in there typically 2 to 4 years, depending on the students.

Although I have to admit I was in a kindergarten class a few years ago, went to that class in September when they were first bilingual, went back in May and those children were speaking English. I read to them first in September in Spanish, and when I went back in May they were speaking English; and I read them an English book.

So it works. That is what we need to make sure that we continue that.

Mr. GOODLING. Madam Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. HOEKSTRA), another member of the committee, a subcommittee chair.

Mr. HOEKSTRA. Madam Chairman, I thank the chairman, the gentleman from Pennsylvania (Mr. GOODLING), for yielding me this time; and I congratulate him on the pair of bills that he passed out of the subcommittee last week.

I think if we take a look at the bills in context as a pair they are a very positive step forward, and tomorrow I will strongly urge my colleagues to support the Straight A's bill because I really believe that this is the type of program that addresses the needs of our neediest children.

Today, however, we are talking about H.R. 2. H.R. 2 is what I believe is a tinkering around the edges of a program that needs much more radical reform. If we take a look at this program and the results that it has generated over the last 35 years, here are some of what my colleagues on the full committee have said about title I: all of the reports would indicate that we are not doing very well. Another quote, to date, 34 years later, title I, since its inception, we still see a huge gap in the achievement levels between students from poor families and students from nonpoor families.

The message is consistent that title I has not achieved the kinds of results that we want, and that is why we need more significant reform than what we

find in this bill. Other quotes, I do not want new money for title I until we fix it. I am not sure there ever was a time when title I was unbroken, but it is certainly broken now.

I know what is currently the law. It is not working. We have failed those students over and over and over again. That is why we need more significant reform than what we have.

Over the last couple of years, we have had the opportunity to travel around the country and also take a look at education programs here in Washington. The project was called Education at a Crossroads. It went to many of these areas where title I is, and what the people at the local level wanted is they did not want more mandates from Washington. What they wanted is more flexibility to serve the needs of their kids. They know the names of their kids. They know the needs of the kids in their classroom, and they said please free us up from the regulations and the mandates and let us serve the needs of our kids.

What we have is, yes, we have reforms but we have a thick bill that is going to impose significantly more mandates on those schools that are going to end up focusing on red tape and meeting the process requirements rather than focusing on the needs of our kids. That is why tomorrow when we talk about Straight A's, that is what represents the type of change that we need, because what it says is, in exchange for accountability, where we measure the results of the learning for each of our kids, which is a huge new mandate on the States, but in exchange for that mandate we give the States and the local education agencies a tremendous amount of flexibility for how they meet the needs of their kids, so we measure performance and we give them flexibility. That is the kind of mirror package that we need to put together.

The Education Department has hundreds of programs and hundreds of mandates. It is why we need reform. It is why we need flexibility with accountability.

I am disappointed I have to oppose this bill, but I look forward tomorrow when we pass the Straight A's bill which will give States and local education agencies the types of flexibility they need to really improve education.

Mr. CLAY. Madam Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Chairman, I believe very strongly in the Federal responsibility for public education. As we come to the end of this century, it is extremely heartwarming to me to be told by all sectors of our society that education is the most important responsibility that any level of government has and must assume if we are to fulfill the responsibilities that each of us has been given: the local school boards, the local communities, the parents, the State government, and finally the Federal Government.

I was here in 1965 when Public Law 8910 passed and the first steps by the Federal Government were taken to try to encourage the Nation to do better in public education. After 25 years of debate, the one area that everybody, all of the different sectors of disagreement could come together on, was that the Federal Government at the very least had responsibility for the poor, the disadvantaged, the economically disadvantaged, educationally disadvantaged children of our country.

That is how Public Law 8910 came to pass. It has made tremendous strides. I disparage to hear that people are saying that it has made no difference. It has made tremendous difference, and there are numerous reports that document that. If that were not true, we would not be here today under a new majority leadership of this Congress again talking about the importance of Federal education programs. That is what we are here today under H.R. 2 debating.

Title I has been a success. We in each of our districts are terribly frustrated when we pick up the test results and see the same schools at the bottom of the list, and so we want to do everything we can to help them; but I am not sure that standardizing everything, holding everything into precise measurement, is going to fit in each of our circumstances. So I would hope that we look at this legislation and look at its creative dynamic for us to meet our responsibilities in the next century.

Mr. CLAY. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Madam Chairman, let me thank my ranking member and his counterpart in my home State, the chairman of the committee. These two gentlemen, along with the former governor, the gentleman from Delaware (Mr. CASTLE), and the gentleman from Michigan (Mr. KILDEE), have done an extraordinary job crafting the legislation that is now before the House, and I am pleased to rise in support of it.

This is a major step forward. It is a bipartisan bill. It responds to the national cry that we focus more on the next generation and their education than perhaps we ordinarily would do.

It is said that the difference between a statesman and a politician is the focus on the next generation versus the next election.

□ 1630

Well, this bill focuses on the next generation in an important way. I want to commend the chairman and the ranking member for their work on this bill and the subcommittee chairs.

I want to say that I want to have the opportunity to offer a couple of amendments that I hope that will improve the bill. I know all who offer amendments are hopeful that we will be able to improve this bill. But the work that has been done should be applauded by this House.

This is a bill that today represents a significant step forward; and, rather than take time out of the general debate to focus on my amendments, I really wanted to just rise and to ask this House to make sure that, at the conclusion, we have a bill that is at least as good that has been presented to us today, because I think this bill is worthy of this House's support.

The amendments that I am going to offer is just going to attempt to even the playing field between Title I students and non-Title I students, between disadvantaged students and those who have a little more advantage in our States.

This is supposedly one Nation under God. We should work through this bill to make sure that each child has an equal opportunity. We say that a lot, but we know that, in each of our States, different children have different sets of opportunities.

The amendments that I am going to offer are going to seek to close those gaps and to make sure that, as the gentleman from Pennsylvania (Chairman GOODLING) said in his opening remarks, that the children who most need to have a qualified teacher have a qualified teacher, and that we have the opportunity in terms of equalizing spending to encourage our States to make sure that they are providing an equal playing field as the Federal Government comes in and hopefully provides a hand up for those who may be starting out in a deficit position.

I would encourage my colleagues to support the Student Results Act, H.R. 2.

Mr. GOODLING. Madam Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. HILLEARY), a member of the committee.

Mr. HILLEARY. Madam Chairman, I am proud to be before the House today to support H.R. 2. This legislation will take a step in the right direction, without question, to improve the Title I education program for our children.

Providing more flexibility and accountability for Title I is exactly what our children need in disadvantaged areas. The improvement in Title I would be felt most in our inner cities where Title I funds repeatedly get caught in a bureaucratic maze and too few of those dollars actually reach our children.

However, I also want to commend the committee for realizing that rural schools must also be helped. Within H.R. 2, there is a section that specifically will allow the rural schools to receive the aid that they might not otherwise receive.

Often rural schools are at a disadvantage in receiving formula grants, like

Title I, and competitive grants. These communities simply do not have the tax base and the access to grant writers that some of their bigger urban counterparts do. In addition, the formulas are skewed in some cases to strike against rural areas even if they have a high poverty quotient.

H.R. 2 successfully, although not completely, addresses this problem by including a rural schools initiative that will provide additional flexibility and funds for those underserved populations.

I hope that all of my colleagues can join together and support this great piece of legislation.

Mr. CLAY. Madam Chairman, I yield 3½ minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Madam chairman, I thank the gentleman from Missouri, my ranking member, for his time.

Madam Chairman, I want to say at the beginning how much I appreciate the efforts by the gentlewoman from Hawaii (Mrs. MINK) and the gentlewoman from California (Ms. WOOLSEY) and the gentlewoman from California (Ms. SANCHEZ) and my distinguished colleague on the other side of the aisle, the gentlewoman from Maryland (Mrs. MORELLA) and for their amendment; and that is the issue to which I would like to speak for just a second, Madam Chairman.

Their voices on this issue will and have made an enormous difference, not just in this Congress, but in the lives of young girls who will grow up to be women and leaders in their communities for decades and generations to come.

This amendment that they are offering reaffirms our commitment, our Nation's commitment to offer girls equal educational opportunities from the day they start school. That is when the difference has to be made, right out of the box, right from the beginning.

This amendment will provide important training and resources for our teachers so that they are aware of their need to be equitable in how they pursue their educational instructions in the classroom.

Different expectations lead to different academic performances. So if a girl in the classroom is not expected to excel in math or in science, which leads to careers that are lucrative in terms of their financial ability and are productive and are important in terms of the overall community, if they are not expected to excel in those areas, they will not excel in those areas.

So the attitude that is brought into the classroom by the teacher is critical, and that requires training and understanding.

Over time, if this is not done, what we have is a situation which leads to inequality and then just enormous missed opportunities later on for these girls and then eventually women. With training, teachers could learn to get the most out of every student regardless of their gender.

Then, fourthly, let me just say that this amendment will help America close an alarming gender gap between boys and girls in technology: math, science, but also in technology. Experts predict that 65 percent of all the jobs in the year 2010 will require technological skills, but only a small percentage of girls take computer science classes or go on to pursue degrees in math and science. If girls are not being encouraged in these fields, they and their families are, as I said, going to suffer economically in the future.

In conclusion, Madam Chairman, let me just say that it used to be said that teachers can change lives with just the right mix of chalk and challenges. Well, in today's high-tech world, the challenges are there, but the chalk is not enough.

This amendment will put resources into our schools that will pay dividends for generations to come. It will create a sensitivity. It will create a training. It will create an aura that girls can do anything they set their minds to do. They can be challenged. They can meet that challenge. They can grow up with careers that will provide them, their families, and their communities great, not only challenge, but reward in the future.

I want to thank the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Missouri (Mr. CLAY), the gentleman from Michigan (Mr. BONIOR), the gentleman from Indiana (Mr. ROEMER), and all my colleagues who have worked on this legislation.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. OSE) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

STUDENT RESULTS ACT OF 1999

The Committee resumed its sitting.

Mr. CLAY. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. Madam Chairman, I yield myself 4½ minutes, the balance of the time.

Madam Chairman, I am extremely happy that this is not a status quo piece of legislation. We have had status quo in this program for the first 20 years of this program, and it was a disaster. In 1994, we added a little bit of accountability. We are not sure what that brought us yet. We will find that out after the studies are done by the Department as to how they messed up the scoring on the tests.

I am also pleased that this has been a bipartisan effort, as most of our education bills have. I am happy to say that, so far, we passed the Flexibility Act in a bipartisan fashion. I am happy to say that we passed the Teacher Empowerment Act in a bipartisan fashion. The bipartisan Teacher Empowerment Act takes care of the class size reduction problem. The tax bill takes care of the building problem. I am happy that all of those have been passed out of our committee and on the floor of the House.

I am happy to say that, when we get to the amendment process, we will model all the preschool programs that they talk about after a program that has worked. It is called Even Start. We will make sure that, as a matter of fact, that is the model.

I think we better be careful about increasing funds. Generally, if you failed for a period of time, they say, okay, show us what you are going to do to be successful, and then we will see whether you are successful, and then we will determine whether you should receive considerably more money.

I am sure that, by the time we implement this and it is in vogue for a couple of years, we will be able to go to the appropriators and say look how successful we have been, and they will be very happy to increase funds.

So when we get to the amendment process, we will all have different ideas of how we make this bill better. I have heard the subcommittee ranking member say that on many occasions, and I always say, ''but that means we have to do it your way.'' So we will see how that process goes.

But to this point, we have had a wonderful time. We had a horrible 4-day markup. But everybody had an opportunity to vent their emotions and whatever else they were doing at that particular time. The end result will be that the most disadvantaged youngsters, the children who need us the most, will benefit from this program. They will not continue to be left behind. We cannot afford to leave them behind.

Mr. MANZULLO. Madam Chairman, I reluctantly rise today to express my concerns about the Student Results Act, H.R. 2.

The proponents of this bill attempt to accomplish many positive reforms to several federal education programs, such as reinforcing parental rights in the bilingual education program; offering school choice, if states want it, for students in low performing schools; and changing the poverty threshold requirement for school-wide program eligibility.

However, while I believe this legislation is well intended, I am deeply concerned by this bill's overstepping of the authority of the federal government. Just because the federal government is responsible for about 6 percent of a state's (or local district's) total education budget, it appears that some of my colleagues

believe we can exercise power to impose our education policies on states and local schools districts.

For example, the Illinois Administrative Code contains a state-adopted standard for all teachers' aids. This federal legislation preempts all state requirements for teachers' aids, and, of course, if a state did not follow the federal requirements, then the state or local school agency would not be eligible to receive Title I funding. The federal government has no authority for dictating standards for teachers' aides. The next step is dictating standards for teachers.

Also, a provision has been included in H.R. 2 that would supersede and interfere with state laws for tort liability in an area where there is no interstate commerce or other justification for federal preemption. This provision would provide limited civil litigation immunity to teachers, principals, and other local school officials who engage in ''reasonable actions to maintain school discipline.'' This is not a federal issue. It is a state issue, and every state, including Illinois, has a tort immunity act involving State employees, such as teachers. However, H.R. 2 mandates a one-size-fits-all plan on how states should handle their local claims.

I appreciate the efforts that my colleagues have made to reform the current education program that funds low-income students. I believe that a new approach is needed and applaud many of the innovative ideas that have found their way into this legislation. If I were a member of the state legislature, I would support this bill. Unfortunately, H.R. 2 goes way beyond what our Constitution envisions as the proper role for the federal government with regard to education policies.

Mr. CANNON. Madam Chairman, I rise today in support of H.R. 2, the Student Results Act of 1999. I would like to thank Chairman GOODLING for his work on this bill.

Several weeks ago, I approached the Chairman to discuss some of the education issues facing Utah, including a 20 percent cut in Title I funding due to changes in the allocation formulas implemented this past year. The Chairman has graciously addressed those issues by including language to ''Hold Harmless'' those states that are experiencing dramatic cuts in their Title I funding.

This provision will allow Utah, and several other small states, to continue funding levels for the education of disadvantaged students.

Today we seek to empower disadvantaged students across the country by providing them access to a better education. We desire to help them develop a foundation from which they can succeed. By providing educational opportunities we will ensure that these children will have the tools to become productive members of society.

A good education is essential to achieving success in life. Through this bill we will help to provide funding for teachers, books, and supplies to contribute to a quality education for disadvantaged students, helping them to build confidence and self esteem. We need to provide them with the tools to enter society and not only survive but thrive. In doing so we seek to guarantee the future of our nation and our way of life.

I believe that a good education is one of the greatest gifts that we can give our children. By passing this bill we will be improving the education of disadvantaged students all across the country. I urge my colleagues' support of H.R. 2, the Student Results Act of 1999.

Mr. GARY MILLER of California. Madam Chairman, I rise today in support of H.R. 2 the ''Student Results Act of 1999.''

H.R. 2 authorizes the Title of the Elementary and Secondary Education Act and other programs assisting disadvantaged students.

Under H.R. 2:

States, School Districts and Schools Held Accountable to Demonstrate Results to Parents.—All states, school districts and schools will be held accountable for ensuring their students meet high academic standards set by states.

H.R. 2 Closes Achievement Gaps.—States, local school districts and schools must improve the achievement of all groups of students so that no one is left behind.

H.R. 2 Rewards Excellence.—Rewards Title I schools that make substantial progress in closing achievement gaps.

H.R. 2 Empowers Parents.—Parents and the community will be provided report cards on student achievement, teacher qualifications, and other important indicators of school quality in Title I schools.

H.R. 2 Expands School Choice Opportunities.—Gives families the option to take children out of failing Title I schools and enroll in other public or charter schools.

H.R. 2 Sends More Dollars to the Classroom.—95 percent of Title I school district dollars are directed to the classroom.

H.R. 2 Protects Local Control and Flexibility.—States and Local school districts may request waivers to tailor these programs to their unique needs through Ed-Flex or from the Secretary.

H.R. 2 Focuses on What Works.—Ensures that federal education programs will fund instruction based on the most current, proven research—not the latest trends.

Once again, I urge my colleagues on both sides of the aisle to support the Student Results Act.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Student Results Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, chapter, part, subpart, section, subsection, or other provision, the reference shall be considered to be made to a title, chapter, part, subpart, section, subsection, or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

TITLE I—STUDENT RESULTS

PART A—BASIC PROGRAM

SEC. 101. LOW-ACHIEVING CHILDREN MEET HIGH STANDARDS.

*The heading for title I is amended by striking ''**DISADVANTAGED**'' and inserting ''**LOW-ACHIEVING**''.*

SEC. 102. PURPOSES AND INTENT.

Section 1001 (20 U.S.C. 6301) is amended to read as follows:

''SEC. 1001. FINDINGS; STATEMENT OF PURPOSE; AND RECOGNITION OF NEED.

''(a) FINDINGS.—Congress finds the following:

''(1) Schools that enroll high concentrations of children living in poverty face the greatest challenges but effective educational strategies based on scientifically based research can succeed in educating children to high standards.

''(2) High-poverty schools are much more likely to be identified as failing to meet State standards for satisfactory progress. As a result, these schools are generally the most in need of additional resources and technical assistance to build the capacity of these schools to address the many needs of their students.

''(3) The educational progress of children participating in programs under this title is closely associated with their being taught by a highly qualified staff, particularly in schools with the highest concentrations of poverty, where paraprofessionals, uncertified teachers, and teachers teaching out of field frequently provide instructional services.

''(4) Congress and the public would benefit from additional data in order to evaluate the efficacy of the changes made to this title in the Improving America's Schools Act of 1994.

''(5) States, local educational agencies, and schools should be given as much flexibility as possible in exchange for greater accountability for improving student achievement.

''(6) Programs funded under this part must demonstrate increased effectiveness in improving schools in order to ensure all children achieve to high standards.

''(b) PURPOSE AND INTENT.—The purpose and intent of this title are to ensure that all children have a fair and equal opportunity to obtain a high quality education.

''(c) RECOGNITION OF NEED.—The Congress recognizes the following:

''(1) Educational needs are particularly great for low-achieving children in our Nation's highest-poverty schools, children with limited English proficiency, children of migrant workers, children with disabilities, Indian children, children who are neglected or delinquent and young children and their parents who are in need of family literacy services.

''(2) Despite more than 3 decades of Federal assistance, a sizable achievement gap remains between minority and nonminority students, and between disadvantaged students and their more advantaged peers.

''(3) Too many students must attend local schools that fail to provide them with a quality education, and are given no alternatives to enable them to receive a quality education.

''(4) States, local educational agencies and schools should be held accountable for improving the academic achievement of all students, and for identifying and turning around low-performing schools.

''(5) Federal education assistance is intended not only to increase pupil achievement overall, but also more specifically and importantly, to help ensure that all pupils, especially the disadvantaged, meet challenging standards for curriculum content and pupil performance. It can only be determined if schools, local educational agencies, and States, are reaching this goal if pupil achievement results are reported specifically by disadvantaged and minority status.''.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

(a) LOCAL EDUCATIONAL AGENCY GRANTS.—Subsection (a) of section 1002 (20 U.S.C. 6302(a)) is amended by striking ''$7,400,000,000 for fiscal year 1995'' and inserting ''$8,350,000,000 for fiscal year 2000''.

(b) EDUCATION OF MIGRATORY CHILDREN.—Subsection (c) of section 1002 (20 U.S.C. 6302(c)) is amended by striking ''$310,000,000 for fiscal year 1995'' and inserting ''$400,000,000 for fiscal year 2000''.

(c) PREVENTION AND INTERVENTION PROGRAMS FOR YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT RISK OF DROPPING OUT.—Subsection (d) of section 1002 (20 U.S.C. 6302(d)) is amended by striking ''$40,000,000 for fiscal year 1995'' and inserting ''$50,000,000 for fiscal year 2000''.

(d) CAPITAL EXPENSES.—Subsection (e) of section 1002 (20 U.S.C. 6302(e)) is amended to read as follows:

''(e) CAPITAL EXPENSES.—For the purpose of carrying out section 1120(e), there are authorized to be appropriated $15,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, and $5,000,000 for fiscal year 2002.''.

(e) ADDITIONAL ASSISTANCE.—Subsection (f) of section 1002 is amended to read as follows:

''(f) SCHOOL IMPROVEMENT.—Each State may reserve for the purpose of carrying out its duties under section 1116 and 1117, the greater of one half of 1 percent of the amount allocated under this part, or $200,000.''.

(f) STATE ADMINISTRATION.—Section 1002 is amended by adding at the end the following:

''(h) STATE ADMINISTRATION.—

''(1) STATE RESERVATION.—Each State may reserve, from the grants it receives under parts A, C, and D, of this title, an amount equal to the greater of 1 percent of the amount it received under parts A, C, and D, for fiscal year 1999, or $400,000 ($50,000 for each outlying area), to carry out administrative duties assigned under parts A, C, and D.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years for additional State administration grants. Any such additional grants shall be allocated among the States in proportion to the grants received by each State for that fiscal year under parts A, C, and D of this title.

''(3) SPECIAL RULE.—The amount allocated to each State under this subsection may not exceed the amount of State funds expended by the State educational agency to administer elementary and secondary education programs in such State.''.

SEC. 104. RESERVATION AND ALLOCATION.

Section 1003 (20 U.S.C. 6303) is repealed.

SEC. 105. STATE PLANS.

Section 1111 (20 U.S.C. 6311) is amended to read as follows:

''SEC. 1111. STATE PLANS.

''(a) PLANS REQUIRED.—

''(1) IN GENERAL.—Any State desiring to receive a grant under this part shall submit to the Secretary a plan, developed in consultation with local educational agencies, teachers, pupil services personnel, administrators (including administrators of programs described in other parts of this title), other staff, and parents, that satisfies the requirements of this section and that is coordinated with other programs under this Act, the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, and the Head Start Act.

''(2) CONSOLIDATED PLAN.—A State plan submitted under paragraph (1) may be submitted as part of a consolidated plan under section 14302.

''(b) STANDARDS, ASSESSMENTS, AND ACCOUNTABILITY.—

''(1) CHALLENGING STANDARDS.—(A) Each State plan shall demonstrate that the State has adopted challenging content standards and challenging student performance standards that will be used by the State, its local educational agencies, and its schools to carry out this part, except that a State shall not be required to submit such standards to the Secretary.

''(B) The standards required by subparagraph (A) shall be the same standards that the State applies to all schools and children in the State.

''(C) The State shall have such standards for elementary and secondary school children served under this part in subjects determined by the State, but including at least mathematics and reading or language arts, which shall include the same knowledge, skills, and levels of performance expected of all children.

''(D) Standards under this paragraph shall include—

''(i) challenging content standards in academic subjects that—

''(I) specify what children are expected to know and be able to do;

''(II) contain coherent and rigorous content; and

''(III) encourage the teaching of advanced skills;

''(ii) challenging student performance standards that—

''(I) are aligned with the State's content standards;

''(II) describe two levels of high performance, proficient and advanced, that determine how well children are mastering the material in the State content standards; and

''(III) describe a third level of performance, basic, to provide complete information about the progress of the lower performing children toward achieving to the proficient and advanced levels of performance.

''(E) For the subjects in which students will be served under this part, but for which a State is not required by subparagraphs (A), (B), and (C) to develop, and has not otherwise developed such standards, the State plan shall describe a strategy for ensuring that such students are taught the same knowledge and skills and held to the same expectations as are all children.

''(2) ADEQUATE YEARLY PROGRESS.—

''(A) IN GENERAL.—Each State plan shall demonstrate, based on assessments described under paragraph (4), what constitutes adequate yearly progress of—

''(i) any school served under this part toward enabling all children to meet the State's challenging student performance standards;

''(ii) any local educational agency that received funds under this part toward enabling all

children in schools receiving assistance under this part to meet the State's challenging student performance standards; and

''(iii) the State in enabling all children in schools receiving assistance under this part to meet the State's challenging student performance standards.

''(B) DEFINITION.—Adequate yearly progress shall be defined in a manner that—

''(i) applies the same high standards of academic performance to all students in the State;

''(ii) takes into account the progress of all students in the State and in each local educational agency and school served under section 1114 or 1115;

''(iii) uses the State challenging content and challenging student performance standards and assessments described in paragraphs (1) and (4);

''(iv) compares separately, within each State, local educational agency, and school, the performance and progress of students by gender, each major ethnic and racial group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged (except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student);

''(v) compares the proportions of students at the 'basic', 'proficient', and 'advanced' levels of performance with the proportions of students at each of the 3 levels in the same grade in the previous school year;

''(vi) at the State's discretion, may also include other academic measures such as promotion, completion of college preparatory courses, and high school completion, except that inclusion of such other measures may not change which schools or local educational agencies would otherwise be subject to improvement or corrective action under section 1116 if the discretionary indicators were not included;

''(vii) includes annual numerical goals for improving the performance of all groups specified in clause (iv) and narrowing gaps in performance between these groups; and

''(viii) includes a timeline for ensuring that each group of students described in clause (iv) meets or exceeds the State's proficient level of performance on each State assessment used for the purposes of section 1111 and section 1116 within 10 years from the date of enactment of the Student Results Act of 1999.

''(C) ANNUAL IMPROVEMENT FOR STATES.—For a State to make adequate yearly progress under subparagraph (A)(iii), not less than 90 percent of the local educational agencies within its jurisdiction shall meet the State's criteria for adequate yearly progress.

''(D) ANNUAL IMPROVEMENT FOR LOCAL EDUCATIONAL AGENCIES.—For a local educational agency to make adequate yearly progress under subparagraph (A)(ii), not less than 90 percent of the schools within its jurisdiction must meet the State's criteria for adequate yearly progress.

''(E) ANNUAL IMPROVEMENT FOR SCHOOLS.—For a school to make adequate yearly progress under subparagraph (A)(i), not less than 90 percent of each group of students described in subparagraph (A)(iv) who are enrolled in such school are required to take the assessments consistent with section 612(a)(17)(A) of the Individuals with Disabilities Education Act and paragraph (4)(F)(iv) on which adequate yearly progress is based.

''(F) PUBLIC NOTICE AND COMMENT.—Each State shall ensure that in developing its plan for adequate yearly progress, it diligently seeks public comment from a range of institutions and individuals in the State with an interest in improved student achievement and that the State makes and will continue to make a substantial effort to ensure that information under this part is widely known and understood by the public, parents, teachers, and school administrators throughout the State. Such efforts shall include, at a minimum, publication of such information and explanatory text, broadly to the public through such means as the Internet, the media, and public agencies.

''(G) REVIEW.—The Secretary shall review the information from States on the adequate yearly progress of schools and local educational agencies required under subparagraphs (A) and (B) for the purpose of determining State and local compliance with section 1116.

''(3) STATE AUTHORITY.—If a State educational agency provides evidence, which is satisfactory to the Secretary, that neither the State educational agency nor any other State government official, agency, or entity has sufficient authority, under State law, to adopt curriculum content and student performance standards, and assessments aligned with such standards, which will be applicable to all students enrolled in the State's public schools, then the State educational agency may meet the requirements of this subsection by—

''(A) adopting standards and assessments that meet the requirements of this subsection, on a statewide basis, limiting their applicability to students served under this part; or

''(B) adopting and implementing policies that ensure that each local educational agency in the State which receives grants under this part will adopt curriculum content and student performance standards, and assessments aligned with such standards, which meet all of the criteria in this subsection and any regulations regarding such standards and assessments which the Secretary may publish, and which are applicable to all students served by each such local educational agency.

''(4) ASSESSMENTS.—Each State plan shall demonstrate that the State has implemented a set of high-quality, yearly student assessments that include, at a minimum, assessments in mathematics and reading or language arts, that will be used, starting not later than the 2000–2001 school year, as the primary means of determining the yearly performance of each local educational agency and school served under this title in enabling all children served under this part to meet the State's challenging student performance standards. Such assessments shall—

''(A) be the same assessments used to measure the performance of all children, if the State measures the performance of all children;

''(B) be aligned with the State's challenging content and student performance standards and provide coherent information about student attainment of such standards;

''(C) be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments;

''(D) measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards and be administered not less than one or more times during—

''(i) grades 3 through 5;

''(ii) grades 6 through 9; and

''(iii) grades 10 through 12;

''(E) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding;

''(F) provide for—

''(i) the participation in such assessments of all students;

''(ii) the reasonable adaptations and accommodations for students with disabilities defined under 602(3) of the Individuals with Disabilities Education Act necessary to measure the achievement of such students relative to State content and State student performance standards;

''(iii) the inclusion of limited English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas;

''(iv) notwithstanding clause (iii), the assessment (using tests written in English) of reading or language arts of any student who has attended school in the United States (not including Puerto Rico) for 3 or more consecutive school years, except if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional year; and

''(G) include students who have attended schools in a local educational agency for a full academic year but have not attended a single school for a full academic year, except that the performance of students who have attended more than one school in the local educational agency in any academic year shall be used only in determining the progress of the local educational agency;

''(H) provide individual student reports, which include assessment scores, or other information on the attainment of student performance standards; and

''(I) enable results to be disaggregated within each State, local educational agency, and school by gender, by each major racial and ethnic group, by English proficiency status, by migrant status, by students with disabilities as compared to nondisabled students, and by economically disadvantaged students as compared to students who are not economically disadvantaged.

''(5) SPECIAL RULE.—

''(A) IN GENERAL.—Assessment measures that do not meet the requirements of paragraph (4)(C) may be included as one of the multiple measures, if a State includes in the State plan information regarding the State's efforts to validate such measures.

''(B) STUDENT PROFICIENCY IN GRADES K–2.—States may measure the proficiency of students in the academic subjects in which a State has adopted challenging content and student performance standards one or more times during grades K–2.

''(6) LANGUAGE ASSESSMENTS.—Each State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student assessments are not available and are needed. The State shall make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible assessment measures are needed. Upon request, the Secretary shall assist with the identification of appropriate assessment measures in the needed languages, but shall not mandate a specific assessment or mode of instruction.

''(7) ASSESSMENT DEVELOPMENT.—A State shall develop, and implement State assessments that are aligned to challenging State content standards that include, at a minimum, mathematics and reading or language arts by the 2000–2001 school year.

''(8) REQUIREMENT.—Each State plan shall describe—

''(A) how the State educational agency will assist each local educational agency and school affected by the State plan to develop the capacity to comply with each of the requirements of sections 1112(c)(1)(D), 1114(c), and 1115(c) that is applicable to such agency or school; and

''(B) such other factors the State considers appropriate to provide students an opportunity to achieve the knowledge and skills described in the challenging content standards adopted by the State.

''(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

''(1) the State educational agency will work with other agencies, including educational service agencies or other local consortia, and institutions to provide technical assistance to local educational agencies and schools to carry out the State educational agency's responsibilities under this part, including technical assistance in providing professional development under section 1119 and technical assistance under section 1117; and

''(2)(A) where educational service agencies exist, the State educational agency will consider providing professional development and technical assistance through such agencies; and

''(B) where educational service agencies do not exist, the State educational agency will consider providing professional development and technical assistance through other cooperative agreements such as through a consortium of local educational agencies;

''(3) the State educational agency will notify local educational agencies and the public of the content and student performance standards and assessments developed under this section, and of the authority to operate schoolwide programs, and will fulfill the State educational agency's responsibilities regarding local educational agency improvement and school improvement under section 1116, including such corrective actions as are necessary;

''(4) the State educational agency will provide the least restrictive and burdensome regulations for local educational agencies and individual schools participating in a program assisted under this part;

''(5) the State educational agency will inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for student academic performance;

''(6) the State educational agency will encourage schools to consolidate funds from other Federal, State, and local sources for schoolwide reform in schoolwide programs under section 1114;

''(7) the State educational agency will modify or eliminate State fiscal and accounting barriers so that schools can easily consolidate funds from other Federal, State, and local sources for schoolwide programs under section 1114;

''(8) the State educational agency has involved the committee of practitioners established under section 1603(b) in developing the plan and monitoring its implementation; and

''(9) the State educational agency will inform local educational agencies of the local educational agency's authority to obtain waivers under title XIV and, if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999 (30 U.S.C. 589a et seq.).

''(d) PEER REVIEW AND SECRETARIAL APPROVAL.—

''(1) SECRETARIAL DUTIES.—The Secretary shall—

''(A) establish a peer review process to assist in the review of State plans;

''(B) approve a State plan after its submission unless the Secretary determines that the plan does not meet the requirements of this section;

''(C) if the Secretary determines that the State plan does not meet the requirements of subsection (a), (b), or (c), immediately notify the State of such determination and the reasons for such determination;

''(D) not decline to approve a State's plan before—

''(i) offering the State an opportunity to revise its plan;

''(ii) providing technical assistance in order to assist the State to meet the requirements under subsections (a), (b), and (c); and

''(iii) providing a hearing;

''(E) have the authority to disapprove a State plan for not meeting the requirements of this part, but shall not have the authority to require a State, as a condition of approval of the State plan, to include in, or delete from, such plan one or more specific elements of the State's content standards or to use specific assessment instruments or items; and

''(2) STATE REVISIONS.—States shall revise their plans if necessary to satisfy the requirements of this section. Revised plans shall be submitted to the Secretary for approval not later than 1 year after the date of the enactment of the Student Results Act of 1999.

''(e) DURATION OF THE PLAN.—

''(1) IN GENERAL.—Each State plan shall—

''(A) be submitted for the first year for which this part is in effect after the date of the enactment of the Student Results Act of 1999;

''(B) remain in effect for the duration of the State's participation under this part; and

''(C) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

''(2) ADDITIONAL INFORMATION.—If the State makes significant changes in its plan, such as the adoption of new State content standards and State student performance standards, new assessments, or a new definition of adequate yearly progress, the State shall submit such information to the Secretary.

''(f) LIMITATION ON CONDITIONS.—Nothing in this part shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or student performance standards and assessments, curriculum, or program of instruction, as a condition of eligibility to receive funds under this part.

''(g) PENALTIES.—

''(1) IN GENERAL.—If a State fails to meet the statutory deadlines for demonstrating that it has in place challenging content standards and student performance standards and assessments, and a system for measuring and monitoring adequate yearly progress, the State shall be ineligible to receive any administrative funds under section 1002(h) that exceed the amount received by the State for such purpose in the previous year.

''(2) ADDITIONAL FUNDS.—Based on the extent to which such content standards, performance standards, assessments, and monitoring of adequate yearly progress, are not in place, additional administrative funds shall be withheld in such amount as the Secretary determines appropriate, except that for each additional year that the State fails to comply with such requirements, the Secretary shall withhold not less than 1/5 of the amount the State receives for administrative expenses under section 1002(h).

''(3) WAIVER.—Notwithstanding title XIV of this Act and the Education Flexibility Partnership Act or any other provision of law, a waiver shall not be granted except that a State may request a 1-time, 1-year waiver to meet the requirements of this section.''.

''(h) SCHOOL REPORTS.—

''(1) IN GENERAL.—

''(A) ANNUAL REPORT.—Except as provided in subparagraph (C), not later than the beginning of the 2001–2002 school year, a State that receives assistance under this Act shall prepare and disseminate an annual report on all schools that receive funds under this part. States and local educational agencies may issue report cards under this section only for local educational agencies and schools receiving funds under this part, except that if a State or local educational agency issues a report card for all students, the State or local educational agency may include the information under this section as part of such report card.

''(B) IMPLEMENTATION.—The State shall ensure the dissemination of this information at all levels. Such information shall be—

''(i) concise; and

''(ii) presented in a format and manner that parents can understand, and which, to the extent practicable, shall be in a language the parents can understand.

''(C) PUBLIC DISSEMINATION.—In the event the State does not include such information through a report card, the State shall, not later than the beginning of the 2001–2002 school year, publicly report the information described in paragraph (2) through other public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, for all schools that receive funds under this part.

''(2) CONTENT OF ANNUAL STATE REPORTS.—

''(A) REQUIRED INFORMATION.—The State shall, at a minimum, include in the annual State reports information for the State on each local educational agency and school receiving funds under this part regarding—

''(i) student performance on statewide assessments for the current and preceding years in at least reading or language arts and mathematics, including—

''(I) a comparison of the proportions of students who performed at 'basic', 'proficient', and 'advanced' levels in each subject area, for each grade level at which assessments are required under this part, with proportions in each of the same 3 categories at the same grade levels in the previous school year; and

''(II) a statement of the percentage of students not tested and a listing of categories of the reasons why they were not tested;

''(ii) retention in grade, completion of advanced placement courses, and 4-year graduation rates;

''(iii) the professional qualifications of teachers in the aggregate, including the percentage of teachers teaching with emergency or provisional credentials, and the percentage of class sections not taught by fully qualified teachers; and

''(iv) the professional qualifications of paraprofessionals, the number of paraprofessionals in the aggregate and the ratio of paraprofessionals to teachers in the classroom.

''(B) STUDENT DATA.—Student data in each report shall contain disaggregated results for the following categories:

''(i) gender;

''(ii) racial and ethnic group;

''(iii) migrant status;

''(iv) students with disabilities, as compared to students who are not disabled;

''(v) economically disadvantaged students, as compared to students who are not economically disadvantaged; and

''(vi) students with limited English proficiency, as compared to students who are proficient in English.

''(C) OPTIONAL INFORMATION.—A State may include in its report any other information it determines appropriate to reflect school quality and school achievement, including information on average class size by grade level, and information on school safety, such as the incidence of school violence and drug and alcohol abuse, and the incidence of student suspensions and expulsions.

''(3) CONTENT OF LOCAL EDUCATIONAL AGENCIES REPORTS.—

''(A) MINIMUM REQUIREMENTS.—The State shall ensure that each local educational agency collects appropriate data and includes in its annual report for each school that receives funds under this part, at a minimum—

''(i) the information described in paragraphs (2)(A) and (2)(B) for each local educational agency and school—

''(I) in the case of a local educational agency—

''(aa) the number and percentage of schools identified for school improvement, including schools identified under section 1116(c) of this Act;

''(bb) information that shows how students in its schools perform on the statewide assessment compared to students in the State as a whole;

''(II) in the case of a school—

''(aa) whether it has been identified for school improvement; and

''(bb) information that shows how its students performed on the statewide assessment compared to students in the local educational agency and the State as a whole.

''(B) OTHER INFORMATION.—A local educational agency may include in its annual reports any other appropriate information whether or not such information is included in the annual State report.

''(C) PUBLIC DISSEMINATION.—In the event the local educational agency does not include such information through a report card, the local educational agency shall, not later than the beginning of the 2001-2002 school year, publicly report the information described in paragraph (3) through other public means, such as posting on the Internet, distribution to the media, and distribution through public agencies, only for schools that receive funds under this part, except that if a local educational agency issues a report card for all students, the local educational agency may include the information under this section as part of such report.

''(4) DISSEMINATION AND ACCESSIBILITY OF REPORTS.—

''(A) STATE REPORTS.—State annual reports under paragraph (2) shall be, disseminated to all schools and local educational agencies in the State, and made broadly available to the public through means such as posting on the Internet, distribution to the media, and distribution through public agencies.

''(B) LOCAL EDUCATIONAL AGENCY REPORTS.—Local educational agency reports under paragraph (3) shall be disseminated to all schools receiving funds under this part, in the school district and to all parents of students attending these schools and made broadly available to the public through means such as posting on the Internet, distribution to the media, and distribution through public agencies.

''(5) PARENTS RIGHT-TO-KNOW.—

''(A) QUALIFICATIONS.—A local educational agency that receives funds under this part shall provide, upon request, in an understandable and uniform format, to any parent of a student attending any school receiving funds under this part, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

''(i) Whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.

''(ii) Whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived.

''(iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

''(iv) Whether the child is provided services by paraprofessionals and the qualifications of such paraprofessional.

''(B) ADDITIONAL INFORMATION.—In addition to the information which parents may request under subparagraph (A), and the information provided in subsection (c), a school which receives funds under this part shall provide to each individual parent or guardian—

''(i) information on the level of performance of the individual student for whom they are the parent or guardian in each of the State assessments as required under this part; and

''(ii) timely notice that the student for whom they are the parent or guardian has been assigned or has been taught for 2 or more consecutive weeks by a substitute teacher or by a teacher not fully qualified.

''(6) PLAN CONTENT.—A State shall include in its plan under subsection (b) an assurance that it has in effect a policy that meets the requirements of this section.

''(i) PRIVACY.—Information collected under this section shall be collected and disseminated in a manner that protects the privacy of individuals.''.

SEC. 106. LOCAL EDUCATIONAL AGENCY PLANS.

(a) SUBGRANTS.—Paragraph (1) of section 1112(a) (20 U.S.C. 6312(a)(1)) is amended by striking ''the Goals 2000: Educate America Act'' and all that follows and inserting the following: ''the Individuals with Disabilities Education Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and other Acts, as appropriate.''.

(b) PLAN PROVISIONS.—Subsection (b) of section 1112 (20 U.S.C. 6312(b)) is amended—

(1) by striking ''Each'' in the matter preceding paragraph (1) and inserting ''In order to help low-achieving children achieve to high standards, each'';

(2) in paragraph (1)—

(A) by striking ''part'' each place it appears and inserting ''title'';

(B) in subparagraph (B), by inserting ''low-achieving'' before ''children'';

(C) by striking ''and'' at the end of subparagraph (B);

(D) by inserting ''and'' at the end of subparagraph (C); and

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

''(D) determine the literacy levels of first graders and their need for interventions, and a description of how the local educational agency will ensure that any such assessments—

''(i) are developmentally appropriate; and

''(ii) use multiple measures to provide information about the variety of skills that scientifically based research has identified as leading to early acquisition of reading skills.'';

(3) in paragraph (4)—

(A) in subparagraph (A), by striking '', and school-to-work transition programs''; and

(B) in subparagraph (B), by striking ''under part C or who were formerly eligible for services under part C in the two-year period preceding the date of the enactment of the Improving America's School Act of 1994, neglected or delinquent youth and youth at risk of dropping out'' and inserting ''under part C, neglected or delinquent youth, Indian children served under title IX,'';

(4) in paragraph (7), by striking ''eligible homeless children'' and inserting ''homeless children'';

(5) by striking the period at the end of paragraph (9) and inserting ''; and''; and

(6) by adding at the end the following new paragraphs:

''(10) a description of the actions the local educational agency will take to assist its low-performing schools, including schools identified under section 1116 as in need of improvement; and

''(11) a description of how the agency will promote the use of extended learning time, such as an extended school year and before and after school and summer programs.''.

(c) ASSURANCES.—Subsection (c) of section 1112 (20 U.S.C. 6312(c)) is amended to read as follows:

''(c) ASSURANCES.—

''(1) IN GENERAL.—Each local educational agency plan shall provide assurances that the local educational agency will—

''(A) inform eligible schools and parents of schoolwide project authority and the ability of such schools to consolidate funds from Federal, State, and local sources;

''(B) provide technical assistance and support to schoolwide programs;

''(C) work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State student performance standards;

''(D) fulfill such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(b)(9);

''(E) provide services to eligible children attending private elementary and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services;

''(F) take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part;

''(G) in the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act;

''(H) comply with the requirements of section 1119 regarding the qualifications of teachers and paraprofessionals;

''(I) inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under title XIV of this Act, and if the State is an Ed-Flex Partnership State, waivers under the Education Flexibility Partnership Act of 1999; and

''(J) coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with other agencies providing services to children, youth, and families.

''(2) SPECIAL RULE.—In carrying out subparagraph (G) of paragraph (1) the Secretary—

''(A) shall consult with the Secretary of Health and Human Services on the implementation of such subparagraph and shall establish procedures (taking into consideration existing State and local laws, and local teacher contracts) to assist local educational agencies to comply with such subparagraph; and

''(B) upon publication, shall disseminate to local educational agencies the Head Start performance standards as in effect under section 641A(a) of the Head Start Act, and such agencies affected by such subparagraph shall plan for the implementation of such subparagraph (taking into consideration existing State and local laws, and local teacher contracts), including pursuing the availability of other Federal, State, and local funding sources to assist in compliance with such subparagraph.

''(3) INAPPLICABILITY.—The provisions of this subsection shall not apply to preschool programs using the Even Start model or to Even Start programs which are expanded through the use of funds under this part.''.

(d) PLAN DEVELOPMENT AND DURATION.—Section 1112 is amended by striking subsection (d) and inserting the following:

''(d) PLAN DEVELOPMENT AND DURATION.—

''(1) CONSULTATION.—Each local educational agency plan shall be developed in consultation with teachers, administrators (including administrators of programs described in other parts of this title), and other appropriate school personnel, and with parents of children in schools served under this part.

''(2) DURATION.—Each such plan shall be submitted for the first year for which this part is in effect following the date of the enactment of the Student Results Act of 1999 and shall remain in effect for the duration of the agency's participation under this part.

''(3) REVIEW.—Each such local educational agency shall periodically review, and as necessary, revise its plan.''.

(e) STATE APPROVAL.—Section 1112 (20 U.S.C. 6312(e)) is amended by striking subsection (e) and inserting the following:

''(e) STATE APPROVAL.—

''(1) IN GENERAL.—Each local educational agency plan shall be filed according to a schedule established by the State educational agency.

''(2) APPROVAL.—The State educational agency shall approve a local educational agency's plan only if the State educational agency determines that the local educational agency's plan—

''(A) will enable schools served under this part to substantially help children served under this part meet the standards expected of all children described in section 1111(b)(1); and

''(B) will meet the requirements of this section.''.

(f) PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.—Section 1112 (20 U.S.C. 6312) is amended by adding at the end the following:

''(g) PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.—

''(1) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part of—

''(A) the reasons for the identification of the child as being in need of English language instruction;

''(B) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement; and

''(C) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;

''(D) what the specific exit requirements are for the program;

''(E) the expected rate of graduation from the program into mainstream classes; and

''(F) the expected rate of graduation from high school for the program if funds under this part are used for children in secondary schools.

''(2) CONSENT.—

''(A) AGENCY REQUIREMENTS.—

''(i) Each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part which does not include classes which exclusively or almost exclusively use the English language in instruction or if instruction is not tailored for limited English proficient children.

''(ii) If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

''(iii)(I) If a response cannot be obtained after written notice and a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such written notice and its specific efforts made to obtain such consent.

''(II) The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child at least 10 business days prior to providing any services under this part, and include a final notice requesting parental consent for such services.

''(B) PARENTAL RIGHTS.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this Act shall—

''(i) select among methods of instruction, if more than one method is offered in the program; and

''(ii) have the right to have their child immediately removed from the program upon their request.

''(3) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

''(A) timely information about English language instruction programs for limited English proficient children assisted under this Act; and

''(B) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

''(4) BASIS FOR ADMISSION OR EXCLUSION.—Students shall not be admitted to or excluded from any federally assisted education program on the basis of a surname or language-minority status.''.

SEC. 107. ELIGIBLE SCHOOL ATTENDANCE AREAS.

Section 1113 (20 U.S.C. 6313) is amended to read as follows:

''SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS.

''(a) DETERMINATION.—

''(1) IN GENERAL.—A local educational agency shall use funds received under this part only in eligible school attendance areas.

''(2) ELIGIBLE SCHOOL ATTENDANCE AREAS.—For the purposes of this part—

''(A) the term 'school attendance area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside; and

''(B) the term 'eligible school attendance area' means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families in the local educational agency as a whole.

''(3) LOCAL EDUCATIONAL AGENCY DISCRETION.—

''(A) IN GENERAL.—Notwithstanding paragraph (2), a local educational agency may—

''(i) designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families;

''(ii) use funds received under this part in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;

''(iii) designate and serve a school attendance area or school that is not eligible under subsection (b), but that was eligible and that was served in the preceding fiscal year, but only for one additional fiscal year; and

''(iv) elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if—

''(I) the school meets the comparability requirements of section 1120A(c);

''(II) the school is receiving supplemental funds from other State or local sources that are spent according to the requirements of section 1114 or 1115; and

''(III) the funds expended from such other sources equal or exceed the amount that would be provided under this part.

''(B) SPECIAL RULE.—Notwithstanding subparagraph (A)(iv), the number of children attending private elementary and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside is assisted under subparagraph (A).

''(b) RANKING ORDER.—If funds allocated in accordance with subsection (f) are insufficient to serve all eligible school attendance areas, a local educational agency—

''(1) shall annually rank from highest to lowest according to the percentage of children from low-income families in each agency's eligible school attendance areas in the following order—

''(A) eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent; and

''(B) all remaining eligible school attendance areas in which the concentration of children from low-income families is 75 percent or lower either by grade span or for the entire local educational agency;

''(2) shall, within each category listed in paragraph (1), serve schools in rank order from highest to lowest according to the ranking assigned under paragraph (1);

''(3) notwithstanding paragraph (2), may give priority, within each such category and in rank order from highest to lowest subject to paragraph (4), to eligible school attendance areas that serve children in elementary schools; and

''(4) not serve a school described in paragraph (1)(B) before serving a school described in paragraph (1)(A).

''(c) LOW-INCOME MEASURES.—In determining the number of children ages 5 through 17 who are from low-income families, the local educational agency shall apply the measures described in paragraphs (1) and (2) of this subsection:

''(1) ALLOCATION TO PUBLIC SCHOOL ATTENDANCE AREAS.—The local educational agency shall use the same measure of poverty, which measure shall be the number of children ages 5 through 17 in poverty counted in the most recent census data approved by the Secretary, the number of children eligible for free and reduced priced lunches under the National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, or the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators, with respect to all school attendance areas in the local educational agency—

''(A) to identify eligible school attendance areas;

''(B) to determine the ranking of each area; and

''(C) to determine allocations under subsection (f).

''(2) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

''(A) CALCULATION.—A local educational agency shall have the final authority, consistent with section 1120 to calculate the number of private school children, ages 5 through 17, who are low-income by—

''(i) using the same measure of low-income used to count public school children;

''(ii) using the results of a survey that, to the extent possible, protects the identity of families of private school students and allowing such survey results to be extrapolated if complete actual data are not available; or

''(iii) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that attendance area.

''(B) COMPLAINT PROCESS.—Any dispute regarding low-income data on private school students shall be subject to the complaint process authorized in section 14505.

''(d) EXCEPTION.—This section (other than subsections (a)(3) and (f)) shall not apply to a local educational agency with a total enrollment of less than 1,500 children.

''(e) WAIVER FOR DESEGREGATION PLANS.—The Secretary may approve a local educational agency's written request for a waiver of the requirements of subsections (a) and (f), and permit such agency to treat as eligible, and serve, any school that children attend under a desegregation plan ordered by a State or court or approved by the Secretary, or such a plan that the agency continues to implement after it has expired, if—

''(1) the number of economically disadvantaged children enrolled in the school is not less than 25 percent of the school's total enrollment; and

''(2) the Secretary determines on the basis of a written request from such agency and in accordance with such criteria as the Secretary establishes, that approval of that request would further the purposes of this part.

''(f) ALLOCATIONS.—

''(1) IN GENERAL.—A local educational agency shall allocate funds received under this part to eligible school attendance areas or eligible schools, identified under subsection (b) in rank order on the basis of the total number of children from low-income families in each area or school.

''(2) SPECIAL RULE.—(A) Except as provided in subparagraph (B), the per pupil amount of funds allocated to each school attendance area or school under paragraph (1) shall be at least 125 percent of the per pupil amount of funds a local educational agency received for that year under the poverty criteria described by the local educational agency in the plan submitted under section 1112, except that this paragraph shall not apply to a local educational agency that only serves schools in which the percentage of such children is 35 percent or greater.

''(B) A local educational agency may reduce the amount of funds allocated under subparagraph (A) for a school attendance area or school by the amount of any supplemental State and local funds expended in that school attendance area or school for programs that meet the requirements of section 1114 or 1115.

''(3) RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to provide services comparable to those provided to children in schools funded under this part to serve—

''(A) homeless children who do not attend participating schools, including providing educationally related support services to children in shelters;

''(B) children in local institutions for neglected or delinquent children; and

''(C) where appropriate, neglected and delinquent children in community day school programs.

''(4) SCHOOL IMPROVEMENT RESERVATION.—A local educational agency shall reserve such funds as are necessary under this part to meet such agency's school improvement responsibilities under section 1116, including taking corrective actions under section 1116(b)(9).

''(5) FINANCIAL INCENTIVES AND REWARDS RESERVATION.—A local educational agency may reserve such funds as are necessary under this part to provide financial incentives and rewards to teachers who serve in eligible schools under subsection (b)(1)(A) and identified for improvement under section 1116(b)(1) for the purpose of attracting and retaining qualified and effective teachers.''.

SEC. 108. SCHOOLWIDE PROGRAMS.

Section 1114 (20 U.S.C. 6314) is amended to read as follows:

''SEC. 1114. SCHOOLWIDE PROGRAMS.

''(a) PURPOSE.—The purpose of a schoolwide program under this section is—

''(1) to enable a local educational agency to consolidate funds under this part with other Federal, State, and local funds, to upgrade the entire educational program in a high poverty school; and

''(2) to help ensure that all children in such a school meet challenging State standards for student performance, particularly those children who are most at-risk of not meeting those standards.

''(b) USE OF FUNDS FOR SCHOOLWIDE PROGRAMS.—

''(1) IN GENERAL.—A local educational agency may consolidate funds under this part, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 50 percent of the children are from low-income families, or not less than 50 percent of the children enrolled in the school are from such families.

''(2) STATE ASSURANCES.—A local educational agency may start new schoolwide programs under this section only after the State educational agency provides written information to each local educational agency in the State that demonstrates that such State educational agency has established the statewide system of support and improvement required by subsections (c)(1) and (e) of section 1117.

''(3) IDENTIFICATION OF STUDENTS NOT REQUIRED.—(A) No school participating in a schoolwide program shall be required to identify particular children under this part as eligible to participate in a schoolwide program or to provide supplemental services to such children.

''(B) A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-Federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

''(4) EXEMPTION FROM STATUTORY AND REGULATORY REQUIREMENTS.—(A) Except as provided in subsection (c), the Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by the Secretary (other than formula or discretionary grant programs under the Individuals with Disabilities Education Act, except as provided in section 613(a)(2)(D) of such Act), or any discretionary grant program administered by the Secretary, to support schoolwide programs if the intent and purposes of such other programs are met.

''(B) A school that chooses to use funds from such other programs shall not be relieved of the requirements relating to health, safety, civil rights, student and parental participation and involvement, services to private school children, maintenance of effort, uses of Federal funds to supplement, not supplant non-Federal funds, or the distribution of funds to State or local educational agencies that apply to the receipt of funds from such programs.

''(C)(i) A school that consolidates funds from different Federal programs under this section shall not be required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds as long as it maintains records that demonstrate that the schoolwide program, considered as a whole addresses the intent and purposes of each of the Federal programs that were consolidated to support the schoolwide program.

''(5) PROFESSIONAL DEVELOPMENT.—Each school receiving funds under this part for any fiscal year shall devote sufficient resources to effectively carry out the activities described in subsection (c)(1)(E) in accordance with section 1119A for such fiscal year, except that a school may enter into a consortium with another school to carry out such activities.

''(c) COMPONENTS OF A SCHOOLWIDE PROGRAM.—

''(1) IN GENERAL.—A schoolwide program shall include the following components:

''(A) A comprehensive needs assessment of the entire school (including taking into account the needs of migratory children as defined in section 1309(2)) that is based on information which includes the performance of children in relation to the State content standards and the State student performance standards described in section 1111(b)(1).

''(B) Schoolwide reform strategies that—

''(i) provide opportunities for all children to meet the State's proficient and advanced levels of student performance described in section 1111(b)(1)(D);

''(ii) use effective methods and instructional strategies that are based upon scientifically based research that—

''(I) strengthen the core academic program in the school;

''(II) increase the amount and quality of learning time, such as providing an extended school year and before- and after-school and summer programs and opportunities, and help provide an enriched and accelerated curriculum; and

''(III) include strategies for meeting the educational needs of historically underserved populations;

''(iii)(I) address the needs of all children in the school, but particularly the needs of low-achieving children and those at risk of not meeting the State student performance standards who are members of the target population of any program that is included in the schoolwide program;

''(II) address how the school will determine if such needs have been met; and

''(iv) are consistent with, and are designed to implement, the State and local improvement plans, if any.

''(D) Instruction by fully qualified (as defined in section 1610) teachers.

''(E) In accordance with section 1119A, high quality and ongoing professional development for teachers and paraprofessionals, and, where appropriate, pupil services personnel, parents, principals, and other staff to enable all children in the school to meet the State's student performance standards.

''(F) Strategies to increase parental involvement in accordance with section 1118, such as family literary services.

''(G) Plans for assisting preschool children in the transition from early childhood programs, such as Head Start, Even Start, or a State-run preschool program, to local elementary school programs.

''(H) Measures to include teachers in the decisions regarding the use of assessments described

in section 1111(b)(4) in order to provide information on, and to improve, the performance of individual students and the overall instructional program.

''(I) Activities to ensure that students who experience difficulty mastering the proficient or advanced levels of performance standards required by section 1111(b) shall be provided with effective, timely additional assistance which shall include measures to ensure that students' difficulties are identified on a timely basis and to provide sufficient information on which to base effective assistance.

''(2) PLAN.—Any eligible school that desires to operate a schoolwide program shall first develop (or amend a plan for such a program that was in existence on the day before the date of enactment of the Student Results Act of 1999), a comprehensive plan for reforming the total instructional program in the school that—

''(A) incorporates the components described in paragraph (1);

''(B) describes how the school will use resources under this part and from other sources to implement those components;

''(C) includes a list of State and local educational agency programs and other Federal programs under subsection (b)(4) that will be consolidated in the schoolwide program;

''(D) describes how the school will provide individual student assessment results, including an interpretation of those results, to the parents of a child who participates in the assessments required by section 1111(b)(4) and in a format and, to the extent practicable, in a language that they can understand; and

''(E) provides for the collection of data on the achievement and assessment results of students disaggregated by gender, major ethnic or racial groups, limited English proficiency status, migrant students, by children with disabilities as compared to other students, and by economically disadvantaged students as compared to students who are not economically disadvantaged, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal individually identifiable information about an individual student.

''(3) PLAN DEVELOPMENT.—The comprehensive plan shall be—

''(A) developed during a 1-year period, unless—

''(i) the local educational agency determines that less time is needed to develop and implement the schoolwide program; or

''(ii) the school operated a schoolwide program on the day preceding the date of enactment of the Student Results Act of 1999, in which case such school may continue to operate such program, but shall develop amendments to its existing plan during the first year of assistance under such Act to reflect the provisions of this section;

''(B) developed with the involvement of the community to be served and individuals who will carry out such plan, including teachers, principals, administrators (including administrators of programs described in other parts of this title), if appropriate pupil services personnel, school staff and parents, and, if the plan relates to a secondary school, students from such school;

''(C) in effect for the duration of the school's participation under this part and reviewed and revised, as necessary, by the school;

''(D) available to the local educational agency, parents, and the public, and the information contained in such plan shall be provided in a format, and to the extent practicable, in a language that they can understand; and

''(E) if appropriate, developed in coordination with programs under the Reading Excellence Act, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Head Start Act, and part B of this title.

''(d) ACCOUNTABILITY.—A schoolwide program under this section shall be subject to the school improvement provisions of section 1116.''.

SEC. 109. TARGETED ASSISTANCE SCHOOLS.

(a) IN GENERAL.—Subsection (a) of section 1115 (20 U.S.C. 6315(a)) is amended by striking ''section 1113(c)'' and inserting ''section 1113(f)''.

(b) ELIGIBLE CHILDREN.—Subsection (b) of section 1115 (20 U.S.C. 6315(b)) is amended to read as follows:

''(b) ELIGIBLE CHILDREN.—

''(1) ELIGIBLE POPULATION.—(A) The eligible population for services under this section is—

''(i) children not older than age 21 who are entitled to a free public education through grade 12; and

''(ii) children who are not yet at a grade level where the local educational agency provides a free public education.

''(B) From the population described in subparagraph (A), eligible children are children identified by the school as failing, or most at risk of failing, to meet the State's challenging student performance standards on the basis of assessments under this part, and, as appropriate, on the basis of multiple, educationally related, objective criteria established by the local educational agency and supplemented by the school, except that children from preschool through grade 2 may be selected solely on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

''(2) CHILDREN INCLUDED.—(A)(i) Children with disabilities, migrant children, and children with limited English proficiency are eligible for services under this part on the same basis as other children.

''(ii) Funds received under this part may not be used to provide services that are otherwise required by law to be made available to such children but may be used to coordinate or supplement such services.

''(B) A child who, at any time in the 2 years preceding the year for which the determination is made, participated in a Head Start or Even Start program or in preschool services under this title, is eligible for services under this part.

''(C)(i) A child who, at any time in the 2 years preceding the year for which the determination is made, received services under part C is eligible for services under this part.

''(ii) A child in a local institution for neglected or delinquent children or attending a community day program for such children is eligible for services under this part.

''(D) A child who is homeless and attending any school in the local educational agency is eligible for services under this part.''.

(c) COMPONENTS OF TARGETED ASSISTANCE SCHOOL PROGRAM.—Subsection (c) of section 1115 (20 U.S.C. 6315(c)) is amended to read as follows:

''(c) COMPONENTS OF A TARGETED ASSISTANCE SCHOOL PROGRAM.—

''(1) IN GENERAL.—To assist targeted assistance schools and local educational agencies to meet their responsibility to provide for all their students served under this title the opportunity to meet the State's challenging student performance standards in subjects as determined by the State, each targeted assistance program under this section shall—

''(A) use such program's resources under this part to help participating children meet such State's challenging student performance standards expected for all children;

''(B) ensure that planning for students served under this part is incorporated into existing school planning;

''(C) use effective methods and instructional strategies that are based upon scientifically based research that strengthens the core academic program of the school and that—

''(i) give primary consideration to providing extended learning time such as an extended school year, before- and after-school, and summer programs and opportunities;

''(ii) help provide an accelerated, high-quality curriculum, including applied learning; and

''(iii) minimize removing children from the regular classroom during regular school hours for instruction provided under this part;

''(D) coordinate with and support the regular education program, which may include services to assist preschool children in the transition from early childhood programs to elementary school programs;

''(E) provide instruction by fully qualified teacher as defined in section 1610;

''(F) in accordance with subsection (e)(3) and section 1119A, provide opportunities for professional development with resources provided under this part, and, to the extent practicable, from other sources, for teachers, principals, and administrators and other school staff, including, if appropriate, pupil services personnel, who work with participating children in programs under this section or in the regular education program; and

''(G) provide strategies to increase parental involvement in accordance with section 1118, such as family literacy services.

''(2) REQUIREMENTS.—Each school conducting a program under this section shall assist participating children selected in accordance with subsection (b) to meet the State's proficient and advanced levels of performance by—

''(A) the coordination of resources provided under this part with other resources; and

''(B) reviewing, on an ongoing basis, the progress of participating children and revising the targeted assistance program, if necessary, to provide additional assistance to enable such children to meet the State's challenging student performance standards, such as an extended school year, before- and after-school, and summer, programs and opportunities, training for teachers regarding how to identify students that require additional assistance, and training for teachers regarding how to implement student performance standards in the classroom.''.

(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—Subsection (d) of section 1115 (20 U.S.C. 6515(d) is amended to read as follows:

''(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT.—To promote the integration of staff supported with funds under this part, public school personnel who are paid with funds received under this part may participate in general professional development and school planning activities.''.

(e) COMPREHENSIVE SERVICES.—Paragraph (2) of section 1115(e) (20 U.S.C. 6315(e)(2)) is amended—

(1) by inserting ''and'' at the end of subparagraph (A);

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 110. SCHOOL CHOICE.

Section 1115A (20 U.S.C. 6316) is amended to read as follows:

''SEC. 1115A. SCHOOL CHOICE.

''(a) CHOICE PROGRAMS.—A local educational agency may use funds under this part, in combination with State, local, and private funds, to develop and implement public school choice programs, for children eligible for assistance under this part, which permit parents to select the public school that their child will attend.

''(b) CHOICE PLAN.—A local educational agency that chooses to implement a public school choice program shall first develop a plan that includes assurances that—

''(1) all eligible students across grade levels served under this part will have equal access to the program;

''(2) the program does not include schools that follow a racially discriminatory policy;

''(3) describe how the school will use resources under this part and from other sources to implement the plan;

''(4) the plan will be developed with the involvement of parents and others in the community to be served and individuals who will carry out the plan, including administrators, teachers, principals, and other staff;

''(5) parents of eligible students in the local educational agency will be given prompt notice of the existence of the public school choice program and its availability to them, and a clear explanation of how the program will operate;

''(6) the program will include charter schools and any other public school and shall not include a school that is or has been identified as a school in school improvement or is or has been in corrective action for the past 2 consecutive years;

''(7) transportation services or the costs of transportation may be provided by the local educational agency with funds under this part; and

''(8) such local educational agency will comply with the other requirements of this part.''.

SEC. 111. ASSESSMENT AND LOCAL EDUCATIONAL AGENCY AND SCHOOL IMPROVEMENT.

(a) LOCAL REVIEW.—Section 1116(a) (20 U.S.C. 6317(a)) is amended—

(1) in paragraph (2), by striking ''1111(b)(2)(A)(i)'' and inserting ''1111(b)(2)(B)'';

(2) in paragraph (3), by striking ''individual school performance profiles'' and inserting ''school reports'';

(3) in paragraph (3), by striking ''and'' after the semicolon;

(4) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(5) review the effectiveness of the actions and activities the schools are carrying out under this part with respect to parental involvement assisted under this Act.''.

(b) SCHOOL IMPROVEMENT.—Section 1116 (20 U.S.C. 6317) is amended by striking subsection (b) and by redesignating subsections (c) and (d) as subsections (b) and (c), respectively, and amending them to read as follows:

''(b) SCHOOL IMPROVEMENT.—

''(1) IN GENERAL.—A local educational agency shall identify for school improvement any school served under this part that—

''(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

''(B) was in school improvement status under this section on the day preceding the date of the enactment of the Student Results Act of 1999.

''(2) TRANSITION.—The 2-year period described in paragraph (1)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Student Results Act of 1999 during which a school did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of such enactment.

''(3) TARGETED ASSISTANCE SCHOOLS.—To determine if a school that is conducting a targeted assistance program under section 1115 should be identified as in need of improvement under this subsection, a local educational agency may choose to review the progress of only those students in such school who are served under this part.

''(4) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—

''(A) IN GENERAL.—Before identifying a school for school improvement under paragraph (1), the local educational agency shall provide the school with an opportunity to review the school-level data, including assessment data, on which the proposed identification is based.

''(B) SUPPORTING EVIDENCE.—If the school principal believes that the proposed identification is in error for statistical or other substantive reasons, the principal may provide supporting evidence to the local educational agency, which such agency shall consider before making a final determination.

''(5) NOTIFICATION TO PARENTS.—A local educational agency shall, in an easily understandable format, provide in writing to parents of each student in a school identified for school improvement—

''(A) an explanation of what the school improvement identification means and how the school compares in terms of academic performance to other schools in the local educational agency and State;

''(B) the reasons for such identification;

''(C) the data on which such identification is based;

''(D) an explanation of what the school is doing to address the problem of low achievement;

''(E) an explanation of how parents can become involved in upgrading the quality of the school;

''(F) an explanation of the right of parents, pursuant to paragraph (6), to transfer their child to another public school, including a public charter school, that is not in school improvement, and how such transfer shall operate; and

''(G) notification to parents in a format and, to the extent practicable, in a language they can understand.

''(6) PUBLIC SCHOOL CHOICE OPTION.—

''(A) SCHOOLS IDENTIFIED FOR IMPROVEMENT.—

''(i) SCHOOLS IDENTIFIED ON OR BEFORE ENACTMENT.—Not later than 18 months after the date of enactment of the Student Results Act of 1999, a local educational agency shall provide all students enrolled in a school identified (on or before such date of enactment) for school improvement with an option to transfer to any other public school within the local educational agency or any public school consistent with subparagraph (B), including a public charter school that has not been identified for school improvement, unless such option to transfer is prohibited by State law, or local law, which includes school board-approved local educational agency policy.

''(ii) SCHOOLS IDENTIFIED AFTER ENACTMENT.—Not later than 18 months after the date on which a local educational agency identifies a school for school improvement, the agency shall provide all students enrolled in such school with an option described in clause (i).

''(B) COOPERATIVE AGREEMENT.—If all public schools in the local educational agency to which a child may transfer to, are identified for school improvement, the agency shall, to the extent practicable, establish a cooperative agreement with other local educational agencies in the area for the transfer.

''(C) TRANSPORTATION.—The local educational agency in which the schools have been identified for improvement may use funds under this part to provide transportation to students whose parents choose to transfer their child or children to a different school.

''(D) CONTINUE OPTION.—Once a school is no longer identified for school improvement, the local educational agency shall continue to provide public school choice as an option to students in such school for a period of not less than 2 years.

''(7) SCHOOL PLAN.—

''(A) IN GENERAL.—Each school identified under paragraph (1) for school improvement shall, not later than 3 months after being so identified, develop or revise a school plan, in consultation with parents, school staff, the local educational agency, and other outside experts for approval by the local educational agency. Such plan shall—

''(i) incorporate scientifically-based research strategies that strengthen the core academic program in the school;

''(ii) adopt policies that have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards;

''(iii) address the professional development needs of staff, particularly teachers and principals;

''(iv) establish specific goals and objectives the school will undertake for making adequate yearly progress which include specific numerical performance goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2);

''(v) identify how the school will provide written notification to parents, in a format and to the extent practicable in a language such parents can understand; and

''(vi) specify the responsibilities of the local educational agency and the school under the plan.

''(B) CONDITIONAL APPROVAL.—A local educational agency may condition approval of a school plan on inclusion of 1 or more of the corrective actions specified in paragraph (9).

''(C) IMPLEMENTATION.—A school shall implement its plan or revised plan expeditiously, but not later than the beginning of the school year after which the school has been identified for improvement.

''(D) REVIEW.—The local educational agency shall promptly review the plan, work with the school as necessary, and approve the plan if it meets the requirements of this section.

''(8) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—For each school identified for school improvement under paragraph (1), the local educational agency shall provide technical assistance as the school develops and implements its plan.

''(B) SPECIFIC TECHNICAL ASSISTANCE.—Such technical assistance—

''(i) shall include effective methods and instructional strategies that are based upon scientifically based research that strengthens the core academic program in the school and addresses the specific elements of student performance problems in the school;

''(ii) may be provided directly by the local educational agency, through mechanisms authorized under section 1117, or with the local educational agency's approval, by an institution of higher education, a private nonprofit organization, an educational service agency, a comprehensive regional assistance center under part A of title XIII, or other entities with experience in helping schools improve achievement.

''(C) TECHNICAL ASSISTANCE.—Technical assistance provided under this section by the local educational agency or an entity authorized by such agency shall be based upon scientifically based research.

''(9) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each local educational agency shall implement a system of corrective action in accordance with the following:

''(A) IN GENERAL.—After providing technical assistance under paragraph (8) and subject to subparagraph (F), the local educational agency—

''(i) may take corrective action at any time with respect to a school that has been identified under paragraph (1);

''(ii) shall take corrective action with respect to any school that fails to make adequate yearly

progress, as defined by the State, after the end of the second year following its identification under paragraph (1); and

''(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

''(B) DEFINITION.—As used in this paragraph, the term 'corrective action' means action, consistent with State and local law, that—

''(i) substantially and directly responds to the consistent academic failure that caused the local educational agency to take such action and to any underlying staffing, curricular, or other problems in the school; and

''(ii) is designed to substantially increase the likelihood that students will perform at the proficient and advanced performance levels.

''(C) CERTAIN SCHOOLS.—In the case of a school described in subparagraph (A)(ii), the local educational agency shall take not less than 1 of the following corrective actions:

''(i) Withhold funds from the school.

''(ii) Decrease decisionmaking authority at the school level.

''(iii) Make alternative governance arrangements, including reopening the school as a public charter school.

''(iv) Reconstitute the school by requiring each person employed at the school to reapply for future employment at the same school or for any position in the local educational agency.

''(v) Authorize students to transfer to other higher performing public schools served by the local educational agency, including public charter schools, and provide such students transportation (or the costs of transportation) to such schools in conjunction with not less than 1 additional action described under this subparagraph.

''(vi) Institute and fully implement a new curriculum, including appropriate professional development for all relevant staff, that is based upon scientifically based research and offers substantial promise of improving educational achievement for low-performing students.

''(D) IMPLEMENTATION DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action only if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

''(E) PUBLICATION.—The local educational agency shall publish, and disseminate to the public and to parents in a format and, to the extent practicable, in a language that they can understand, any corrective action it takes under this paragraph through such means as the Internet, the media, and public agencies.

''(F) REVIEW.—(i) Before taking corrective action with respect to any school under this paragraph, a local educational agency shall provide the school an opportunity to review the school level data, including assessment data, on which the proposed determination is made.

''(ii) If the school believes that the proposed determination is in error for statistical or other substantive reasons, it may provide supporting evidence to the local educational agency, which shall consider such evidence before making a final determination.

''(10) STATE EDUCATIONAL AGENCY RESPONSIBILITIES.—If a State educational agency determines that a local educational agency failed to carry out its responsibilities under this section, it shall take such action as it finds necessary, consistent with this section, to improve the affected schools and to ensure that the local educational agency carries out its responsibilities under this section.

''(11) SPECIAL RULE.—Schools that, for at least two of the three years following identification under paragraph (1), make adequate yearly progress toward meeting the State's proficient and advanced levels of performance shall no longer be identified for school improvement.

''(c) STATE REVIEW AND LOCAL EDUCATIONAL AGENCY IMPROVEMENT.—

''(1) IN GENERAL.—A State educational agency shall—

''(A) annually review the progress of each local educational agency receiving funds under this part to determine whether schools receiving assistance under this part are making adequate yearly progress as defined in section 1111(b)(2) toward meeting the State's student performance standards; and

''(B) publicize and disseminate to local educational agencies, teachers and other staff, parents, students, and the community the results of the State review consistent with section 1111, including statistically sound disaggregated results, as required by section 1111(b)(2).

''(2) IDENTIFICATION OF LOCAL EDUCATIONAL AGENCY FOR IMPROVEMENT.—A State educational agency shall identify for improvement any local educational agency that—

''(A) for 2 consecutive years failed to make adequate yearly progress as defined in the State's plan under section 1111(b)(2); or

''(B) was in improvement status under this section as this section was in effect on the day preceding the date of enactment of the Student Results Act of 1999.

''(3) TRANSITION.—The 2-year period described in paragraph (2)(A) shall include any continuous period of time immediately preceding the date of the enactment of the Student Results Act of 1999, during which a local educational agency did not make adequate yearly progress as defined in the State's plan, as such plan was in effect on the day preceding the date of such enactment.

''(4) TARGETED ASSISTANCE SCHOOLS.—For purposes of targeted assistance schools in a local educational agency, a State educational agency may choose to review the progress of only the students in such schools who are served under this part.

''(5) OPPORTUNITY TO REVIEW AND PRESENT EVIDENCE.—

''(A) REVIEW.—Before identifying a local educational agency for improvement under paragraph (2), a State educational agency shall provide the local educational agency with an opportunity to review the local educational agency data, including assessment data, on which that proposed identification is based.

''(B) SUPPORTING EVIDENCE.—If the local educational agency believes that the proposed identification is in error for statistical or other substantive reasons, it may provide supporting evidence to the State educational agency, which such agency shall consider before making a final determination.

''(6) NOTIFICATION TO PARENTS.—The State educational agency shall promptly notify parents in a format, and to the extent practicable in a language they can understand, of each student enrolled in a school in a local educational agency identified for improvement, of the reasons for such agency's identification and how parents can participate in upgrading the quality of the local educational agency.

''(7) LOCAL EDUCATIONAL AGENCY REVISIONS.—

''(A) PLAN.—Each local educational agency identified under paragraph (2) shall, not later than 3 months after being so identified, develop or revise a local educational agency plan, in consultation with parents, school staff, and others. Such plan shall—

''(i) incorporate scientifically based research strategies that strengthen the core academic program in the local educational agency;

''(ii) identify specific goals and objectives the local educational agency will undertake to make adequate yearly progress and which—

''(I) have the greatest likelihood of improving the performance of participating children in meeting the State's student performance standards;

''(II) address the professional development needs of staff; and

''(III) include specific numerical performance goals and targets for each of the groups of students identified in the disaggregated data pursuant to section 1111(b)(2);

''(iii) identify how the local educational agency will provide written notification to parents in a format, and to the extent practicable in a language, that they can understand, pursuant to paragraph (6); and

''(iv) specify the responsibilities of the State educational agency and the local educational agency under the plan.

''(B) IMPLEMENTATION.—The local educational agency shall implement its plan or revised plan expeditiously, but not later than the beginning of the school year after which the school has been identified for improvement.

''(8) STATE EDUCATIONAL AGENCY RESPONSIBILITY.—

''(A) IN GENERAL.—For each local educational agency identified under paragraph (2), the State educational agency shall provide technical or other assistance, if requested, as authorized under section 1117, to better enable the local educational agency—

''(i) to develop and implement its revised plan as approved by the State educational agency consistent with the requirements of this section; and

''(ii) to work with schools needing improvement.

''(B) TECHNICAL ASSISTANCE.—Technical assistance provided under this section by the State educational agency or an entity authorized by such agency shall be based upon scientifically based research.

''(9) CORRECTIVE ACTION.—In order to help students served under this part meet challenging State standards, each State educational agency shall implement a system of corrective action in accordance with the following:

''(A) IN GENERAL.—After providing technical assistance under paragraph (8) and subject to subparagraph (D), the State educational agency—

''(i) may take corrective action at any time with respect to a local educational agency that has been identified under paragraph (2);

''(ii) shall take corrective action with respect to any local educational agency that fails to make adequate yearly progress, as defined by the State, after the end of the second year following its identification under paragraph (2); and

''(iii) shall continue to provide technical assistance while instituting any corrective action under clause (i) or (ii).

''(B) DEFINITION.—As used in this paragraph, the term 'corrective action' means action, consistent with State law, that—

''(i) substantially and directly responds to the consistent academic failure that caused the State educational agency to take such action and to any underlying staffing, curricular, or other problems in the school; and

''(ii) is designed to meet the goal of having all students served under this part perform at the proficient and advanced performance levels.

''(C) CERTAIN LOCAL EDUCATIONAL AGENCIES.—In the case of a local educational agency described in this paragraph, the State educational agency shall take not less than 1 of the following corrective actions:

''(i) Withhold funds from the local educational agency.

''(ii) Reconstitute school district personnel.

''(iii) Remove particular schools from the jurisdiction of the local educational agency and

establish alternative arrangements for public governance and supervision of such schools.

''(iv) Appoint, through the State educational agency, a receiver or trustee to administer the affairs of the local educational agency in place of the superintendent and school board.

''(v) Abolish or restructure the local educational agency.

''(vi) Authorize students to transfer from a school operated by a local educational agency to a higher performing public school operated by another local educational agency, or to a public charter school and provide such students transportation (or the costs of transportation to such schools, in conjunction with not less than 1 additional action described under this paragraph.

''(D) HEARING.—Prior to implementing any corrective action, the State educational agency shall provide due process and a hearing to the affected local educational agency, if State law provides for such process and hearing.

''(E) PUBLICATION.—The State educational agency shall publish, and disseminate to parents and the public any corrective action it takes under this paragraph through such means as the Internet, the media, and public agencies.

''(F) DELAY.—A local educational agency may delay, for a period not to exceed 1 year, implementation of corrective action if the failure to make adequate yearly progress was justified due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the local educational agency or school.

''(10) SPECIAL RULE.—A local educational agency, that, for at least two of the three years following identification under paragraph (2), makes adequate yearly progress toward meeting the State's proficient and advanced levels of performance shall no longer be identified for school improvement.''.

SEC. 112. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

Section 1117 (20 U.S.C. 6318) is amended to read as follows:

''SEC. 1117. STATE ASSISTANCE FOR SCHOOL SUPPORT AND IMPROVEMENT.

''(a) SYSTEM FOR SUPPORT.—Each State educational agency shall establish a statewide system of intensive and sustained support and improvement for local educational agencies and schools receiving funds under this part, in order to increase the opportunity for all students in those agencies and schools to meet the State's content standards and student performance standards.

''(b) PRIORITIES.—In carrying out this section, a State educational agency shall—

''(1) first, provide support and assistance to local educational agencies subject to corrective action under section 1116 and assist schools, in accordance with section 1116(b)(10), for which a local educational agency has failed to carry out its responsibilities under section 1116(b)(8) and (9);

''(2) second, provide support and assistance to other local educational agencies identified as in need of improvement under section 1116; and

''(3) third, provide support and assistance to other local educational agencies and schools participating under this part that need that support and assistance in order to achieve the purpose of this part.

''(c) APPROACHES.—In order to achieve the purpose described in subsection (a), each such system shall provide technical assistance and support through such approaches as—

''(1) school support teams, composed of individuals who are knowledgeable about scientifically based research and practice on teaching and learning, particularly about strategies for improving educational results for low-achieving children; and

''(2) the designation and use of ''Distinguished Educators'', chosen from schools served under this part that have been especially successful in improving academic achievement.

''(d) FUNDS.—Each State educational agency—

''(1) shall use funds reserved under section 1002(f); and

''(2) may use State administrative funds authorized under section 1002(h) for such purpose.

''(e) ALTERNATIVES.—The State may devise additional approaches to providing the assistance described in paragraphs (1) and (2) of subsection (c), such as providing assistance through institutions of higher education and educational service agencies or other local consortia, and the State may seek approval from the Secretary to use funds made available under section 1002(h) for such approaches as part of the State plan.''.

SEC. 113. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.

Subpart 1 of part A of title I is amended by inserting after section 1117 the following:

''SEC. 1117A. ACADEMIC ACHIEVEMENT AWARDS PROGRAM.

''(a) ESTABLISHMENT OF ACADEMIC ACHIEVEMENT AWARDS PROGRAM.—

''(1) IN GENERAL.—Each State receiving a grant under this part may establish a program for making academic achievement awards to recognize and financially reward schools served under this part that have—

''(A) significantly closed the achievement gap between the groups of students defined in section 1111(b)(2); or

''(B) exceeded their adequate yearly progress goals, consistent with section 1111(b)(2), for 2 or more consecutive years.

''(2) AWARDS TO TEACHERS.—A State program under paragraph (1) may also recognize and provide financial awards to teachers teaching in a school described in such paragraph whose students consistently make significant gains in academic achievement in the areas in which the teacher provides instruction.

''(b) FUNDING.—

''(1) RESERVATION OF FUNDS BY STATE.—For the purpose of carrying out this section, each State receiving a grant under this part may reserve, from the amount (if any) by which the funds received by the State under this part for a fiscal year exceed the amount received by the State under this part for the preceding fiscal year, not more than 30 percent of such excess amount.

''(2) USE WITHIN 3 YEARS.—Notwithstanding any other provision of law, the amount reserved under paragraph (1) by a State for each fiscal year shall remain available to the State until expended for a period not exceeding 3 years.

''(3) SPECIAL ALLOCATION RULE FOR SCHOOLS IN HIGH-POVERTY AREAS.—

''(A) IN GENERAL.—Each State receiving a grant under this part shall distribute at least 50 percent of the amount reserved under paragraph (1) for each fiscal year to schools described in subparagraph (B), or to teachers teaching in such schools.

''(B) SCHOOLS DESCRIBED.—A school described in subparagraph (A) is a school whose student population is in the highest quartile of schools statewide in terms of the percentage of children eligible for free and reduced priced lunches under the National School Lunch Act.''.

SEC. 114. PARENTAL INVOLVEMENT CHANGES.

(a) LOCAL EDUCATIONAL AGENCY POLICY.—Subsection (a) of section 1118 (20 U.S.C. 6319(a)) is amended—

(1) in paragraph (1), by striking ''programs, activities, and procedures'' and inserting ''activities and procedures''.

(2) in paragraph (2) by striking subparagraphs (E) and (F) and inserting the following:

''(E) conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under this part;

''(F) involve parents in the activities of the schools served under this part; and

''(G) promote consumer friendly environments at the local educational agency and schools served under this part.'';

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

''(C) Not less than 90 percent of the funds reserved under subparagraph (A) shall be distributed to schools served under this part.''.

(b) NOTICE.—Paragraph (1) of section 1118(b) (20 U.S.C. 6319(b)(1)) is amended by inserting after the first sentence the following: ''Parents shall be notified of the policy in a format, and to the extent practicable, in a language that they can understand.''.

(c) PARENTAL INVOLVEMENT.—Paragraph (4) of section 1118(c) (20 U.S.C. 6319(c)(4)) is amended—

(1) in subparagraph (B), by striking ''performance profiles required under section 1116(a)(3)'' and inserting ''school reports required under section 1111'';

(2) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively;

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

''(D) notice of the schools' identification as a school in school improvement under section 1116(b), if applicable, and a clear explanation of what such identification means;

''(E) notice of the corrective action that has been taken against the school under section 1116(b)(9) and 1116(c)(9), if applicable, and a clear explanation of what such action means;''; and

(4) in subparagraph (G) (as so redesignated), by striking ''subparagraph (D)'' and inserting ''subparagraph (F)''.

(d) BUILDING CAPACITY FOR INVOLVEMENT.—Subsection (e) of section 1118 (20 U.S.C 6319(e)) is amended to read as follows:

''(e) BUILDING CAPACITY FOR INVOLVEMENT.—To ensure effective involvement of parents and to support a partnership among the school, parents, and the community to improve student achievement, each school and local educational agency—

''(1) shall provide assistance to participating parents in such areas as understanding the State's content standards and State student performance standards, the provisions of section 1111(b)(8), State and local assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the performance of their children as well as information on how parents can participate in decisions relating to the education of their children;

''(2) shall provide materials and training, such as—

''(A) coordinating necessary literacy training from other sources to help parents work with their children to improve their children's achievement; and

''(B) training to help parents to work with their children to improve their children's achievement;

''(3) shall educate teachers, pupil services personnel, principals and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between home and school;

''(4) shall coordinate and integrate parent involvement programs and activities with Head Start, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool programs and other programs, to the extent feasible and appropriate;

''(5) shall conduct other activities, as appropriate and feasible, such as parent resource centers and opportunities for parents to learn how to become full partners in the education of their children;

''(6) shall ensure, to the extent possible, that information related to school and parent programs, meetings, and other activities is sent to the homes of participating children in the language used in such homes;

''(7) shall provide such other reasonable support for parental involvement activities under this section as parents may request;

''(8) shall expand the use of electronic communications among teachers, students, and parents, such as through the use of websites and e-mail communications;

''(9) may involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training in improving instruction and services to the children of such parents in a format, and to the extent practicable, in a language the parent can understand;

''(10) may provide necessary literacy training from funds received under this part if the local educational agency has exhausted all other reasonably available sources of funding for such activities;

''(11) may pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

''(12) may train and support parents to enhance the involvement of other parents;

''(13) may arrange meetings at a variety of times, such as in the mornings and evenings, in order to maximize the opportunities for parents to participate in school related activities;

''(14) may arrange for teachers or other educators, who work directly with participating children, to conduct in-home conferences with parents who are unable to attend such conferences at school;

''(15) may adopt and implement model approaches to improving parental involvement, such as Even Start;

''(16) may establish a districtwide parent advisory council to advise on all matters related to parental involvement in programs supported under this part; and

''(17) may develop appropriate roles for community-based organizations and businesses in parent involvement activities, including providing information about opportunities for organizations and businesses to work with parents and schools, and encouraging the formation of partnerships between elementary, middle, and secondary schools and local businesses that include a role for parents.''.

(e) ACCESSIBILITY.—Subsection (f) of section 1118 (20 U.S.C. 6319(f)) is amended to read as follows:

''(f) ACCESSIBILITY.—In carrying out the parental involvement requirements of this part, local educational agencies and schools, to the extent practicable, shall provide full opportunities for the participation of parents with limited English proficiency or with disabilities and parents of migratory children, including providing information and school reports required under section 1111 in a format, and to the extent practicable, in a language such parents understand.''.

SEC. 115. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

Section 1119 (20 U.S.C. 6301) is amended to read as follows:

''SEC. 1119. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

''(a) TEACHERS.—

''(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all teachers hired on or after the effective date of the Student Results Act of 1999 and teaching in a program supported with funds under this part are fully qualified.

''(2) PLAN.—Each State receiving assistance under this part shall develop and submit to the Secretary a plan to ensure that all teachers teaching within the State are fully qualified not later than December 31, 2003. Such plan shall include an assurance that the State will require each local educational agency and school receiving funds under this part publicly to report their annual progress on the agency's and the school's performance in increasing the percentage of classes in core academic areas taught by fully qualified teachers.

''(b) NEW PARAPROFESSIONALS.—

''(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired one year or more after the effective date of the Student Results Act of 1999 and working in a program supported with funds under this part shall—

''(A) have completed at least 2 years of study at an institution of higher education;

''(B) have obtained an associate's (or higher) degree; or

''(C) have met a rigorous standard of quality that demonstrates, through a formal assessment—

''(i) knowledge of, and the ability to assist in instructing reading, writing, and math; or

''(ii) knowledge of, and the ability to assist in instructing reading readiness, writing readiness, and math readiness, as appropriate.

''(2) CLARIFICATION.—For purposes of paragraph (1)(C), the receipt of a high school diploma (or its recognized equivalent) shall be necessary but not by itself sufficient to satisfy the requirements of such paragraph.

''(c) EXISTING PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals hired before the date that is one year after the effective date of the Student Results Act of 1999 and working in a program supported with funds under this part shall, not later than 3 years after such effective date, satisfy the requirements of subsection (b).

''(d) EXCEPTIONS FOR TRANSLATION AND PARENTAL INVOLVEMENT ACTIVITIES.—Subsections (b) and (c) shall not apply to a paraprofessional—

''(A) who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under this part by acting as a translator; or

''(B) whose duties consist solely of conducting parental involvement activities consistent with section 1118.

''(e) GENERAL REQUIREMENT FOR ALL PARAPROFESSIONALS.—Each local educational agency receiving assistance under this part shall ensure that all paraprofessionals working in a program supported with funds under this part, regardless of the paraprofessional's hiring date, possess a high school diploma or its recognized equivalent.

''(f) DUTIES OF PARAPROFESSIONALS.—

''(1) IN GENERAL.—Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.

''(2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED.—A paraprofessional described in paragraph (1) may only be assigned—

''(A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

''(B) to assist with classroom management, such as organizing instructional and other materials;

''(C) to provide assistance in a computer laboratory;

''(D) to conduct parental involvement activities;

''(E) to provide support in a library or media center;

''(F) to act as a translator; or

''(G) to provide instructional services to students;

''(3) ADDITIONAL LIMITATIONS.—A paraprofessional described in paragraph (1)—

''(A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a fully qualified teacher; and

''(B) may not provide instructional services to students in the area of reading, writing, or math unless the paraprofessional has demonstrated, through a State or local assessment, the ability effectively to carry out reading, writing, or math instruction.

''(g) USE OF FUNDS.—

''(1) PROFESSIONAL DEVELOPMENT.—A local educational agency receiving funds under this part may use such funds to support ongoing training and professional development to assist teachers and paraprofessionals in satisfying the requirements of this section.

''(2) LIMITATION ON USE OF FUNDS FOR PARAPROFESSIONALS.—

''(A) IN GENERAL.—Beginning on and after the effective date of the Student Results Act of 1999, a local educational agency may not use funds received under this part to fund any paraprofessional hired after such date unless the hiring is to fill a vacancy created by the departure of another paraprofessional funded under this part and such new paraprofessional satisfies the requirements of subsection (b) or (c).

''(B) EXCEPTION.—Subparagraph (A) shall not apply for a fiscal year to a local educational agency that can demonstrate to the State that all teachers under the jurisdiction of the agency are fully qualified.

''(h) VERIFICATION OF COMPLIANCE.—

''(1) IN GENERAL.—In verifying compliance with this section, each local educational agency at a minimum shall require that the principal of each school operating a program under section 1114 or 1115 annually attest in writing as to whether such school is in compliance with the requirements of this section.

''(2) AVAILABILITY OF INFORMATION.—Copies of attestations under paragraph (1)—

''(A) shall be maintained at each school operating a program under section 1114 or 1115 and at the main office of the local educational agency; and

''(B) shall be available to any member of the general public upon request.''.

SEC. 116. PROFESSIONAL DEVELOPMENT.

Subpart 1 of part A of title I (20 U.S.C. 6311 et seq.) is amended by inserting after section 1119 the following:

''SEC. 1119A. PROFESSIONAL DEVELOPMENT.

''(a) PURPOSE.—The purpose of this section is to assist each local educational agency receiving assistance under this part in increasing the academic achievement of eligible children (as defined in section 1115(b)(1)(B)) through improved teacher quality.

''(b) PROFESSIONAL DEVELOPMENT ACTIVITIES.—

''(1) REQUIRED ACTIVITIES.—Professional development activities under this section shall—

''(A) support professional development activities that give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State or local content standards and student performance standards;

''(B) support the recruiting, hiring, and training of fully qualified teachers, including teachers fully qualified through State and local alternative routes;

''(C) advance teacher understanding of effective instructional strategies based on scientifically-based research for improving student achievement, at a minimum, in reading or language arts and mathematics;

''(D) be directly related to the curriculum and content areas in which the teacher provides instruction;

''(E) be designed to enhance the ability of a teacher to understand and use the State's standards for the subject area in which the teacher provides instruction;

''(F) be tied to scientifically based research demonstrating the effectiveness of such professional development activities or programs in increasing student achievement or substantially increasing the knowledge and teaching skills of teachers;

''(G) be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom, except that this paragraph shall not apply to an activity if such activity is one component of a long-term comprehensive professional development plan established by the teacher and the teacher's supervisor based upon an assessment of their needs, their students' needs, and the needs of the local educational agency;

''(H) be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this part;

''(I) to the extent appropriate, provide training for teachers in the use of technology so that technology and its applications are effectively used in the classroom to improve teaching and learning in the curriculum and academic content areas in which the teachers provide instruction; and

''(J) as a whole, be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development.

''(2) OPTIONAL ACTIVITIES.—Such professional development activities may include—

''(A) instruction in the use of data and assessments to inform and instruct classroom practice;

''(B) instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents;

''(C) the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and novice teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

''(D) the creation of career ladder programs for paraprofessionals (assisting teachers under this part) to obtain the education necessary for such paraprofessionals to become licensed and certified teachers;

''(E) instruction in ways to teach special needs children;

''(F) joint professional development activities involving programs under this part, Head Start, Even Start, or State-run preschool program personnel;

''(G) instruction in experiential-based teaching methods such as service or applied learning; and

''(H) mentoring programs focusing on changing teacher behaviors and practices to help novice teachers, including teachers who are members of a minority group, develop and gain confidence in their skills, to increase the likelihood that they will continue in the teaching profession, and generally to improve the quality of their teaching.

''(c) PROGRAM PARTICIPATION.—Each local educational agency receiving assistance under this part may design professional development programs so that—

''(1) all school staff in schools participating in a schoolwide program under section 1114 can participate in professional development activities; and

''(2) all school staff in targeted assistance schools may participate in professional development activities if such participation will result in better addressing the needs of students served under this part.

''(d) PARENTAL PARTICIPATION.—Parents may participate in professional development activities under this part if the school determines that parental participation is appropriate.

''(e) CONSORTIA.—In carrying out such professional development programs, local educational agencies may provide services through consortia arrangements with other local educational agencies, educational service agencies or other local consortia, institutions of higher education, or other public or private institutions or organizations.

''(f) CONSOLIDATION OF FUNDS.—Funds provided under this part that are used for professional development purposes may be consolidated with funds provided under title II of this Act and other sources.

''(g) DEFINITION.—The term 'fully qualified' has the same meaning given such term in section 1610.

''(h) SPECIAL RULE.—No State educational agency shall require a school or a local educational agency to expend a specific amount of funds for professional development activities under this part, except that this paragraph shall not apply with respect to requirements under section 1116(c)(9).''.

SEC. 117. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) GENERAL REQUIREMENT.—Subsection (a) of section 1120 (20 U.S.C. 6321(a)) is amended to read as follows:

''(a) GENERAL REQUIREMENT.—

''(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under section 1115(b) in a local educational agency who are enrolled in private elementary and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis, special educational services or other benefits under this part (such as dual enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs, and shall ensure that teachers and families of these students participate, on an equitable basis, in services and activities developed pursuant to sections 1118 and 1119A.

''(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

''(3) EQUITY.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part, and shall be provided in a timely manner.

''(4) EXPENDITURES.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools, which the local educational agency may determine each year or every 2 years.

''(5) PROVISION OF SERVICES.—The local educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions.''.

(b) CONSULTATION.—Subsection (b) of section 1120 (20 U.S.C. 6321(b)) is amended to read as follows:

''(b) CONSULTATION.—

''(1) IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of such agency's programs under this part, on issues such as—

''(A) how the children's needs will be identified;

''(B) what services will be offered;

''(C) how, where, and by whom the services will be provided;

''(D) how the services will be assessed and how the results of that assessment will be used to improve those services;

''(E) the size and scope of the equitable services to be provided to the eligible private school children, and the amount of funds generated by low-income private school children in each participating attendance area;

''(F) the method or sources of data that are used under subsection (a)(4) and section 1113(c)(2) to determine the number of children from low-income families in participating school attendance areas who attend private schools; and

''(G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third party providers. If the local educational agency disagrees with the views of the private school officials on the provision of services, through a contract, the local educational agency shall provide in writing to such private school officials, an analysis of the reasons why the local educational agency has chosen not to use a contractor.

''(2) TIMING.—Such consultation shall include meetings of agency and private school officials and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part. Such meetings shall continue throughout implementation and assessment of services provided under this section.

''(3) DISCUSSION.—Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

''(4) DOCUMENTATION.—Each local educational agency shall provide to the State educational agency, and maintain in its records, a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred.

''(5) COMPLIANCE.—Private school officials shall have the right to appeal to the State as to whether the consultation provided for in this section was meaningful and timely, and that due consideration was given to the views of private school officials. If the private school wishes to appeal, the basis of the claim of noncompliance with this section by the local educational agencies shall be provided to the State, and the local educational agency shall forward the documentation provided in subsection (b)(3) to the State.''.

(c) STANDARDS FOR BYPASS.—Subsection (d) of section 1120 (20 U.S.C. 6321(d)) is amended to read as follows:

''(d) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation on an equitable

basis of eligible children enrolled in private elementary and secondary schools or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for such participation, as required by this section, the Secretary shall—

''(1) waive the requirements of this section for such local educational agency;

''(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 14505 and 14506; and

''(3) in making the determination, consider one or more factors, including the quality, size, scope, and location of the program and the opportunity of eligible children to participate.''.

(d) CAPITAL EXPENSES.—Effective September 30, 2002, subsection (e) of section 1120 (20 U.S.C. 6321(e)) is hereby repealed.

SEC. 118. COORDINATION REQUIREMENTS.

Section 1120B (20 U.S.C. 6323 et seq.) is amended—

(1) in subsection (a), by striking ''to the extent feasible'' and all that follows through the period and inserting ''with local Head Start agencies, and if feasible, other early childhood development programs.'';

(2) in subsection (b)—

(A) in paragraph (3) by striking ''and'' after the semicolon;

(B) in paragraph (4) by striking the period and inserting ''; and''; and

(C) by adding at the end, the following:

''(5) linking the educational services provided in such local educational agency with the services provided in local Head Start agencies.''.

SEC. 119. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

Section 1121 is amended to read as follows:

''SEC. 1121. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR.

''(a) RESERVATION OF FUNDS.—From the amount appropriated for payments to States for any fiscal year under section 1002(a), the Secretary shall reserve a total of 1 percent to provide assistance to—

''(1) the outlying areas in the amount determined in accordance with subsection (b); and

''(2) the Secretary of the Interior in the amount necessary to make payments pursuant to subsection (d).

''(b) ASSISTANCE TO OUTLYING AREAS.—

''(1) FUNDS RESERVED.—From the amount made available for any fiscal year under subsection (a), the Secretary shall award grants to the outlying areas.

''(2) COMPETITIVE GRANTS.—For fiscal years 2000 and 2001, the Secretary shall carry out the competition described in paragraph (3), except that the amount reserved to carry out such competition shall not exceed the amount reserved under this section for the freely associated states for fiscal year 1999.

''(3) LIMITATION FOR COMPETITIVE GRANTS.—

''(A) COMPETITIVE GRANTS.—The Secretary shall use funds described in paragraph (2) to award grants, on a competitive basis, to the outlying areas and freely associated States to carry out the purposes of this part.

''(B) AWARD BASIS.—The Secretary shall award grants under subparagraph (A) on a competitive basis, pursuant to the recommendations of the Pacific Region Educational Laboratory in Honolulu, Hawaii.

''(C) TERMINATION OF ELIGIBILITY.—Notwithstanding any other provision of law, the freely associated States shall not receive any funds under this part after September 30, 2001.

''(D) ADMINISTRATIVE COSTS.—The Secretary may provide not more than five percent of the amount reserved for grants under this paragraph to pay the administrative costs of the Pacific Region Educational Laboratory under subparagraph (B).

''(4) SPECIAL RULE.—The provisions of Public Law 95–134, permitting the consolidation of grants by the outlying areas, shall not apply to funds provided to the freely associated States under this section.

''(c) DEFINITIONS.—For the purposes of subsection (a) and (b)—

''(1) the term 'freely associated States' means the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau; and

''(2) the term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(d) ALLOTMENT TO THE SECRETARY OF THE INTERIOR.—

''(1) IN GENERAL.—The amount allotted for payments to the Secretary of the Interior under subsection (a)(2) for any fiscal year shall be, as determined pursuant to criteria established by the Secretary, the amount necessary to meet the special educational needs of—

''(A) Indian children on reservations served by elementary and secondary schools for Indian children operated or supported by the Department of the Interior; and

''(B) out-of-State Indian children in elementary and secondary schools in local educational agencies under special contracts with the Department of the Interior.

''(2) PAYMENTS.—From the amount allotted for payments to the Secretary of the Interior under subsection (a)(2), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this part, with respect to out-of-State Indian children described in paragraph (1). The amount of such payment may not exceed, for each such child, the greater of—

''(A) 40 percent of the average per pupil expenditure in the State in which the agency is located; or

''(B) 48 percent of such expenditure in the United States.''.

SEC. 120. AMOUNTS FOR GRANTS.

Section 1122 (20 U.S.C. 6332 et seq.) is amended to read as follows:

''SEC. 1122. AMOUNTS FOR BASIC GRANTS, CONCENTRATION GRANTS, AND TARGETED GRANTS.

''(a) ALLOCATION FORMULA.—Of the amount authorized to be appropriated to carry out this part for each of fiscal years 2000 through 2004 (referred to in this subsection as the current fiscal year)—

''(1) an amount equal to the amount appropriated to carry out section 1124 for fiscal year 1999 plus 42.5 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section for fiscal year 1999 shall be allocated in accordance with section 1124;

''(2) an amount equal to the amount appropriated to carry out section 1124A for fiscal year 1999 plus 7.5 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section for fiscal year 1999 shall be allocated in accordance with section 1124A; and

''(3) an amount equal to 50 percent of the amount, if any, by which the amount appropriated under section 1002(a) for the current fiscal year exceeds the amount appropriated under such section for fiscal year 1999 shall be allocated in accordance with section 1125.

''(b) ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS.—

''(1) IN GENERAL.—If the sums available under this part for any fiscal year are insufficient to pay the full amounts that all local educational agencies in States are eligible to receive under sections 1124, 1124A, and 1125 for such year, the Secretary shall ratably reduce the allocations to such local educational agencies, subject to subsections (c) and (d) of this section.

''(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under sections 1124, 1124A, and 1125 for such fiscal year, allocations that were reduced under paragraph (1) shall be increased on the same basis as they were reduced.

''(c) HOLD-HARMLESS AMOUNTS.—

''(1) AMOUNTS FOR SECTIONS 1124 AND 1125.—For each fiscal year, the amount made available to each local educational agency under each of sections 1124 and 1125 shall be—

''(A) not less than 95 percent of the amount made available in the preceding fiscal year if the number of children counted for grants under section 1124 is not less than 30 percent of the total number of children aged 5 to 17 years, inclusive, in the local educational agency;

''(B) not less than 90 percent of the amount made available in the preceding fiscal year if the percentage described in subparagraph (A) is between 15 percent and 30 percent; and

''(C) not less than 85 percent of the amount made available in the preceding fiscal year if the percentage described in subparagraph (A) is below 15 percent.

''(2) AMOUNT FOR SECTION 1124A.—The amount made available to each local educational agency under section 1124A shall be not less than 85 percent of the amount made available in the preceding fiscal year.

''(3) PAYMENTS.—If sufficient funds are appropriated, the amounts described in paragraph (2) shall be paid to all local educational agencies that received grants under section 1124A for the preceding fiscal year, regardless of whether the local educational agency meets the minimum eligibility criteria for that fiscal year provided in section 1124A(a)(1)(A) except that a local educational agency that does not meet such minimum eligibility criteria for 4 consecutive years shall no longer be eligible to receive a hold harmless amount referred to in paragraph (2).

''(4) POPULATION DATA.—In any fiscal year for which the Secretary calculates grants on the basis of population data for counties, the Secretary shall apply the hold harmless percentages in paragraphs (1) and (2) to counties, and if the Secretary's allocation for a county is not sufficient to meet the hold-harmless requirements of this subsection for every local educational agency within that county, the State educational agency shall reallocate funds proportionately from all other local educational agencies in the State that are receiving funds in excess of the hold harmless amounts specified in this subsection.

''(d) RATABLE REDUCTIONS.—

''(1) IN GENERAL.—If the sums made available under this part for any fiscal year are insufficient to pay the full amounts that all States are eligible to receive under subsection (c) for such year, the Secretary shall ratably reduce such amounts for such year.

''(2) ADDITIONAL FUNDS.—If additional funds become available for making payments under subsection (c) for such fiscal year, amounts that were reduced under paragraph (1) shall be increased on the same basis as such amounts were reduced.

''(e) DEFINITION.—For the purpose of this section and sections 1124, 1124A, and 1125, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.''.

SEC. 121. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 1124 (20 U.S.C. 6333 et seq.) is amended to read as follows:

"SEC. 1124. BASIC GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) AMOUNT OF GRANTS.—

''(1) GRANTS FOR LOCAL EDUCATIONAL AGENCIES AND PUERTO RICO.—Except as provided in paragraph (4) and in section 1126, the grant that a local educational agency is eligible to receive under this section for a fiscal year is the amount determined by multiplying—

''(A) the number of children counted under subsection (c); and

''(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this subparagraph shall not be less than 32 percent or more than 48 percent, of the average per-pupil expenditure in the United States.

''(2) CALCULATION OF GRANTS.—

''(A) ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—The Secretary shall calculate grants under this section on the basis of the number of children counted under subsection (c) for local educational agencies, unless the Secretary and the Secretary of Commerce determine that some or all of those data are unreliable or that their use would be otherwise inappropriate, in which case—

''(i) the 2 Secretaries shall publicly disclose the reasons for their determination in detail; and

''(ii) paragraph (3) shall apply.

''(B) ALLOCATIONS TO LARGE AND SMALL LOCAL EDUCATIONAL AGENCIES.—(i) For any fiscal year in which this paragraph applies, the Secretary shall calculate grants under this section for each local educational agency.

''(ii) The amount of a grant under this section for each large local educational agency shall be the amount determined under clause (i).

''(iii) For small local educational agencies, the State educational agency may either—

''(I) distribute grants under this section in amounts determined by the Secretary under clause (i); or

''(II) use an alternative method approved by the Secretary to distribute the portion of the State's total grants under this section that is based on those small agencies.

''(iv) An alternative method under clause (iii)(II) shall be based on population data that the State educational agency determines best reflect the current distribution of children in poor families among the State's small local educational agencies that meet the eligibility criteria of subsection (b).

''(v) If a small local educational agency is dissatisfied with the determination of its grant by the State educational agency under clause (iii)(II), it may appeal that determination to the Secretary, who shall respond not later than 45 days after receipt of such appeal.

''(vi) As used in this subparagraph—

''(I) the term 'large local educational agency' means a local educational agency serving an area with a total population of 20,000 or more; and

''(II) the term 'small local educational agency' means a local educational agency serving an area with a total population of less than 20,000.

''(3) ALLOCATIONS TO COUNTIES.—

''(A) CALCULATION.—For any fiscal year to which this paragraph applies, the Secretary shall calculate grants under this section on the basis of the number of children counted under section 1124(c) for counties, and State educational agencies shall suballocate county amounts to local educational agencies, in accordance with regulations issued by the Secretary.

''(B) DIRECT ALLOCATIONS.—In any State in which a large number of local educational agencies overlap county boundaries, or for which the State believes it has data that would better target funds than allocating them by county, the State educational agency may apply to the Secretary for authority to make the allocations under this part for a particular fiscal year directly to local educational agencies without regard to counties.

''(C) ASSURANCES.—If the Secretary approves the State educational agency's application under subparagraph (B), the State educational agency shall provide the Secretary an assurance that such allocations shall be made—

''(i) using precisely the same factors for determining a grant as are used under this part; or

''(ii) using data that the State educational agency submits to the Secretary for approval that more accurately target poverty.

''(D) APPEAL.—The State educational agency shall provide the Secretary an assurance that it shall establish a procedure through which a local educational agency that is dissatisfied with its determinations under subparagraph (B) may appeal directly to the Secretary for a final determination.

''(4) PUERTO RICO.—

''(A) IN GENERAL.—For each fiscal year, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (c) for the Commonwealth of Puerto Rico by the product of—

''(i) the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States; and

''(ii) 32 percent of the average per pupil expenditure in the United States.

''(B) MINIMUM PERCENTAGE.—The percentage in subparagraph (A)(i) shall not be less than—

''(i) for fiscal year 2000, 75.0 percent;

''(ii) for fiscal year 2001, 77.5 percent;

''(iii) for fiscal year 2002, 80.0 percent;

''(iv) for fiscal year 2003, 82.5 percent;

''(v) for fiscal year 2004 and succeeding fiscal years, 85.0 percent.

''(C) LIMITATION.—If the application of subparagraph (B) would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, the percentage in subparagraph (A) shall be the greater of the percentage in subparagraph (A)(i) or the percentage used for the preceding fiscal year.

''(5) DEFINITION.—For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

''(b) MINIMUM NUMBER OF CHILDREN TO QUALIFY.—A local educational agency is eligible for a basic grant under this section for any fiscal year only if the number of children counted under subsection (c) for that agency is both—

''(1) 10 or more; and

''(2) more than 2 percent of the total school-age population in the agency's jurisdiction.

''(c) CHILDREN TO BE COUNTED.—

''(1) CATEGORIES OF CHILDREN.—The number of children to be counted for purposes of this section is the aggregate of—

''(A) the number of children aged 5 to 17, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2); and

''(B) the number of children (determined under paragraph (4) for either the preceding year as described in that paragraph, or for the second preceding year, as the Secretary finds appropriate) aged 5 to 17, inclusive, in the school district of such agency in institutions for neglected and delinquent children (other than such institutions operated by the United States), but not counted pursuant to subpart 1 of part D for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

''(2) DETERMINATION OF NUMBER OF CHILDREN.—For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families below the poverty level on the basis of the most recent satisfactory data, described in paragraph (3), available from the Department of Commerce. The District of Columbia and the Commonwealth of Puerto Rico shall be treated as individual local educational agencies. If a local educational agency contains two or more counties in their entirety, then each county will be treated as if such county were a separate local educational agency for purposes of calculating grants under this part. The total of grants for such counties shall be allocated to such a local educational agency, which local educational agency shall distribute to schools in each county within such agency a share of the local educational agency's total grant that is no less than the county's share of the population counts used to calculate the local educational agency's grant.

''(3) POPULATION UPDATES.—In fiscal year 2001 and every 2 years thereafter, the Secretary shall use updated data on the number of children, aged 5 to 17, inclusive, from families below the poverty level for local educational agencies or counties, published by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated population data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall publicly disclose their reasons. In determining the families which are below the poverty level, the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census, in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.

''(4) OTHER CHILDREN TO BE COUNTED.—The Secretary shall determine the number of children aged 5 through 17 living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year or, to the extent that such data are not available to the Secretary before January of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to the Secretary at the time of such determination. The Secretary of Health and Human Services shall collect and transmit the information required by this subparagraph to the Secretary not later than January 1 of each year. For the purpose of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

''(5) ESTIMATE.—When requested by the Secretary, the Secretary of Commerce shall make a special updated estimate of the number of children of such ages who are from families below the poverty level (as determined under subparagraph (A) of this paragraph) in each school district, and the Secretary is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

''(d) STATE MINIMUM.—Notwithstanding section 1122, the aggregate amount allotted for all local educational agencies within a State may not be less than the lesser of—

''(1) 0.25 percent of total grants under this section; or

''(2) the average of—

''(A) one-quarter of 1 percent of the total amount available for such fiscal year under this section; and

''(B) the number of children in such State counted under subsection (c) in the fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.''.

SEC. 122. CONCENTRATION GRANTS.

Section 1124A (20 U.S.C. 6334 et seq.) is amended to read as follows:

''SEC. 1124A. CONCENTRATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) ELIGIBILITY FOR AND AMOUNT OF GRANTS.—

''(1) IN GENERAL.—(A) Except as otherwise provided in this paragraph, each local educational agency, in a State other than Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, which is eligible for a grant under section 1124 for any fiscal year is eligible for an additional grant under this section for that fiscal year if the number of children counted under section 1124(c) in the agency exceeds either—

''(i) 6,500; or

''(ii) 15 percent of the total number of children aged 5 through 17 in the agency.

''(B) Notwithstanding section 1122, no State described in subparagraph (A) shall receive less than the lesser of—

''(i) 0.25 percent of total grants; or

''(ii) the average of—

''(I) one-quarter of 1 percent of the sums available to carry out this section for such fiscal year; and

''(II) the greater of—

''(aa) $340,000; or

''(bb) the number of children in such State counted for purposes of this section in that fiscal year multiplied by 150 percent of the national average per pupil payment made with funds available under this section for that year.

''(2) SPECIAL RULE.—For each county or local educational agency eligible to receive an additional grant under this section for any fiscal year the Secretary shall determine the product of—

''(A) the number of children counted under section 1124(c) for that fiscal year; and

''(B) the quotient resulting from the division of the amount determined for those agencies under section 1124(a)(1) for the fiscal year for which the determination is being made divided by the total number of children counted under section 1124(c) for that agency for that fiscal year.

''(3) AMOUNT.—The amount of the additional grant for which an eligible local educational agency or county is eligible under this section for any fiscal year shall be an amount which bears the same ratio to the amount available to carry out this section for that fiscal year as the product determined under paragraph (2) for such local educational agency for that fiscal year bears to the sum of such products for all local educational agencies in the United States for that fiscal year.

''(4) LOCAL ALLOCATIONS.—(A) Grant amounts under this section shall be determined in accordance with section 1124(a)(2) and (3).

''(B) For any fiscal year for which the Secretary allocates funds under this section on the basis of counties, a State may reserve not more than 2 percent of its allocation under this section to make grants to local educational agencies that meet the criteria of paragraph (1)(A)(i) or (ii) but that are in ineligible counties that do not meet these criteria.

''(b) STATES RECEIVING MINIMUM GRANTS.—In States that receive the minimum grant under subsection (a)(1)(B), the State educational agency shall allocate such funds among the local educational agencies in each State either—

''(1) in accordance with paragraphs (2) and (4) of subsection (a); or

''(2) based on their respective concentrations and numbers of children counted under section 1124(c), except that only those local educational agencies with concentrations or numbers of children counted under section 1124(c) that exceed the statewide average percentage of such children or the statewide average number of such children shall receive any funds on the basis of this paragraph.''.

SEC. 123. TARGETED GRANTS.

Section 1125 (20 U.S.C 6335 et seq.) is amended to read as follows:

''SEC. 1125. TARGETED GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) ELIGIBILITY OF LOCAL EDUCATIONAL AGENCIES.—A local educational agency in a State is eligible to receive a targeted grant under this section for any fiscal year if the number of children in the local educational agency counted under subsection 1124(c), before application of the weighting factor described in subsection (c), is at least 10, and if the number of children counted for grants under section 1124 is at least 5 percent of the total population aged 5 to 17 years, inclusive, in the local educational agency. For each fiscal year for which the Secretary uses county population data to calculate grants, funds made available as a result of applying this subsection shall be reallocated by the State educational agency to other eligible local educational agencies in the State in proportion to the distribution of other funds under this section.

''(b) GRANTS FOR LOCAL EDUCATIONAL AGENCIES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO.—

''(1) IN GENERAL.—The amount of the grant that a local educational agency in a State or that the District of Columbia is eligible to receive under this section for any fiscal year shall be the product of—

''(A) the weighted child count determined under subsection (c); and

''(B) the amount in paragraph 1124(a)(1)(B).

''(2) PUERTO RICO.—For each fiscal year, the amount of the grant for which the Commonwealth of Puerto Rico is eligible under this section shall be equal to the number of children counted under subsection (c) for Puerto Rico, multiplied by the amount determined in subparagraph 1124(a)(4).

''(c) WEIGHTED CHILD COUNT.—

''(1) WEIGHTS FOR ALLOCATIONS TO COUNTIES.—

''(A) IN GENERAL.—For each fiscal year for which the Secretary uses county population data to calculate grants, the weighted child count used to determine a county's allocation under this section is the larger of the two amounts determined under clause (i) or (ii), as follows:

''(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

''(I) the number of children determined under section 1124(c) for that county constituting up to 12.20 percent, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(II) the number of such children constituting more than 12.20 percent, but not more than 17.70 percent, of such population, multiplied by 1.75;

''(III) the number of such children constituting more than 17.70 percent, but not more than 22.80 percent, of such population, multiplied by 2.5;

''(IV) the number of such children constituting more than 22.80 percent, but not more than 29.70 percent, of such population, multiplied by 3.25; and

''(V) the number of such children constituting more than 29.70 percent of such population, multiplied by 4.0.

''(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

''(I) the number of children determined under section 1124(c) constituting up to 1,917, inclusive, of the county's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(II) the number of such children between 1,918 and 5,938, inclusive, in such population, multiplied by 1.5;

''(III) the number of such children between 5,939 and 20,199, inclusive, in such population, multiplied by 2.0;

''(IV) the number of such children between 20,200 and 77,999, inclusive, in such population, multiplied by 2.5; and

''(V) the number of such children in excess of 77,999 in such population, multiplied by 3.0.

''(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighted child count for Puerto Rico under this paragraph shall not be greater than the total number of children counted under subsection 1124(c) multiplied by 1.72.

''(2) WEIGHTS FOR ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.—

''(A) IN GENERAL.—For each fiscal year for which the Secretary uses local educational agency data, the weighted child count used to determine a local educational agency's grant under this section is the larger of the two amounts determined under clauses (i) and (ii), as follows:

''(i) BY PERCENTAGE OF CHILDREN.—This amount is determined by adding—

''(I) the number of children determined under section 1124(c) for that local educational agency constituting up to 14.265 percent, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(II) the number of such children constituting more than 14.265 percent, but not more than 21.553 percent, of such population, multiplied by 1.75;

''(III) the number of such children constituting more than 21.553 percent, but not more than 29.223 percent, of such population, multiplied by 2.5;

''(IV) the number of such children constituting more than 29.223 percent, but not more than 36.538 percent, of such population, multiplied by 3.25; and

''(V) the number of such children constituting more than 36.538 percent of such population, multiplied by 4.0.

''(ii) BY NUMBER OF CHILDREN.—This amount is determined by adding—

''(I) the number of children determined under section 1124(c) constituting up to 575, inclusive, of the agency's total population aged 5 to 17, inclusive, multiplied by 1.0;

''(II) the number of such children between 576 and 1,870, inclusive, in such population, multiplied by 1.5;

''(III) the number of such children between 1,871 and 6,910, inclusive, in such population, multiplied by 2.0;

''(IV) the number of such children between 6,911 and 42,000, inclusive, in such population, multiplied by 2.5; and

''(V) the number of such children in excess of 42,000 in such population, multiplied by 3.0.

''(B) PUERTO RICO.—Notwithstanding subparagraph (A), the weighted child count for Puerto Rico under this paragraph shall not be greater than the total number of children counted under section 1124(c) multiplied by 1.72.

''(d) CALCULATION OF GRANT AMOUNTS.—Grants under this section shall be calculated in accordance with section 1124(a)(2) and (3).

''(e) STATE MINIMUM.—Notwithstanding any other provision of this section or section 1122, from the total amount available for any fiscal year to carry out this section, each State shall be allotted at least the lesser of—

''(1) 0.25 percent of total appropriations; or

''(2) the average of—

''(A) one-quarter of 1 percent of the total amount available to carry out this section; and

''(B) 150 percent of the national average grant under this section per child described in section 1124(c), without application of a weighting factor, multiplied by the State's total number of children described in section 1124(c), without application of a weighting factor.''.

SEC. 124. SPECIAL ALLOCATION PROCEDURES.

Section 1126 (20 U.S.C. 6337 et seq.) is amended to read as follows:

''SEC. 1126. SPECIAL ALLOCATION PROCEDURES.

''(a) ALLOCATIONS FOR NEGLECTED CHILDREN.—

''(1) IN GENERAL.—If a State educational agency determines that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children who are living in institutions for neglected children as described in subparagraph (B) of section 1124(c)(1), the State educational agency shall, if such agency assumes responsibility for the special educational needs of such children, receive the portion of such local educational agency's allocation under sections 1124, 1124A, and 1125 that is attributable to such children.

''(2) SPECIAL RULE.—If the State educational agency does not assume such responsibility, any other State or local public agency that does assume such responsibility shall receive that portion of the local educational agency's allocation.

''(b) ALLOCATIONS AMONG LOCAL EDUCATIONAL AGENCIES.—The State educational agency may allocate the amounts of grants under sections 1124, 1124A, and 1125 among the affected local educational agencies—

''(1) if two or more local educational agencies serve, in whole or in part, the same geographical area;

''(2) if a local educational agency provides free public education for children who reside in the school district of another local educational agency; or

''(3) to reflect the merger, creation, or change of boundaries of one or more local educational agencies.

''(c) REALLOCATION.—If a State educational agency determines that the amount of a grant a local educational agency would receive under sections 1124, 1124A, and 1125 is more than such local agency will use, the State educational agency shall make the excess amount available to other local educational agencies in the State that need additional funds in accordance with criteria established by the State educational agency.''.

SEC. 125. SECULAR, NEUTRAL, AND NONIDEOLOGICAL.

Part A is amended by adding at the end the following:

''SEC. 1128. SECULAR, NEUTRAL, AND NONIDEOLOGICAL.

''Any school that receives funds under this part shall ensure that educational services or other benefits provided under this part, including materials and equipment, shall be secular, neutral, and nonideological.''.

PART B—EDUCATION OF MIGRATORY CHILDREN

SEC. 131. STATE ALLOCATIONS.

Section 1303 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6393) is amended—

(1) by amending subsection (a) to read as follows:

''(a) STATE ALLOCATIONS.—

''(1) FISCAL YEAR 2000.—For fiscal year 2000, each State (other than the Commonwealth of Puerto Rico) is entitled to receive under this part an amount equal to—

''(A) the sum of the estimated number of migratory children aged three through 21 who reside in the State full time and the full-time equivalent of the estimated number of migratory children aged three through 21 who reside in the State part time, as determined in accordance with subsection (e); multiplied by

''(B) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this paragraph shall not be less than 32 percent, nor more than 48 percent, of the average expenditure per pupil in the United States.

''(2) SUBSEQUENT YEARS.—

''(A) BASE AMOUNT.—

''(i) IN GENERAL.—Except as provided in subsection (b) and clause (ii), each State is entitled to receive under this part, for fiscal year 2001 and succeeding fiscal years, an amount equal to—

''(I) the amount that such State received under this part for fiscal year 2000; plus

''(II) the amount allocated to the State under subparagraph (B).

''(ii) NONPARTICIPATING STATES.—In the case of a State (other than the Commonwealth of Puerto Rico) that did not receive any funds for fiscal year 2000 under this part, the State shall receive, for fiscal year 2001 and succeeding fiscal years, an amount equal to—

''(I) the amount that such State would have received under this part for fiscal year 2000 if its application under section 1304 for the year had been approved; plus

''(II) the amount allocated to the State under subparagraph (B).

''(B) ALLOCATION OF ADDITIONAL AMOUNT.—For fiscal year 2001 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this part for the year exceed such funds for fiscal year 2000 shall be allocated to a State (other than the Commonwealth of Puerto Rico) so that the State receives an amount equal to—

''(i) the sum of—

''(I) the number of identified eligible migratory children, aged 3 through 21, residing in the State during the previous year; and

''(II) the number of identified eligible migratory children, aged 3 through 21, who received services under this part in summer or intersession programs provided by the State during such year; multiplied by

''(ii) 40 percent of the average per-pupil expenditure in the State, except that the amount determined under this clause may not be less than 32 percent, or more than 48 percent, of the average expenditure per-pupil in the United States.'';

(2) by amending subsection (b) to read as follows:

''(b) ALLOCATION TO PUERTO RICO.—

''(1) FISCAL YEAR 2000.—For fiscal year 2000, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

''(A) the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States; and

''(B) 32 percent of the average per pupil expenditure in the United States.

''(2) SUBSEQUENT FISCAL YEARS.—For each fiscal year after fiscal year 2000, the grant which the Commonwealth of Puerto Rico shall be eligible to receive under this section shall be the amount determined by multiplying the number of children counted under subsection (a)(2)(B)(i)(I) and (a)(2)(B)(i)(II) for the Commonwealth of Puerto Rico during the previous fiscal year, by the product of—

''(A) the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States; and

''(B) 32 percent of the average per pupil expenditure in the United States.

''(3) MINIMUM ALLOCATION.—

''(A) FISCAL YEAR 2000.—The percentage in paragraph (1)(A) shall not be less than 75.0 percent.

''(B) SUBSEQUENT FISCAL YEARS.—The percentage in paragraph (2)(A) shall not be less than—

''(i) for fiscal year 2001, 77.5 percent;

''(ii) for fiscal year 2002, 80.0 percent;

''(iii) for fiscal year 2003, 82.5 percent; and

''(iv) for fiscal year 2004 and succeeding fiscal years, 85.0 percent.

''(4) SPECIAL RULE.—If the application of paragraph (3) would result in any of the 50 States or the District of Columbia receiving less under this part than it recieved under this part for the preceding fiscal year, the percentage in paragraph (1) or (2), respectively, shall be the greater of the percentage in paragraph (1)(A) or (2)(A) the percentage used for the preceding fiscal year.''; and

(3) by striking subsections (d) and (e).

SEC. 132. STATE APPLICATIONS; SERVICES.

(a) PROGRAM INFORMATION.—Section 1304(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(b)) is amended—

(1) in paragraph (1), by striking ''addressed through'' and all that follows through the semicolon at the end and inserting the following: ''addressed through—

''(A) the full range of services that are available for migratory children from appropriate local, State, and Federal educational programs;

''(B) joint planning among local, State, and Federal educational programs serving migrant children, including programs under parts A and C of title VII;

''(C) the integration of services available under this part with services provided by those other programs; and

''(D) measurable program goals and outcomes;'';

(2) in paragraph (5), by striking ''the requirements of paragraph (1); and'' and inserting ''the numbers and needs of migratory children, the requirements of subsection (d), and the availability of funds from other Federal, State, and local programs;'';

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(7) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.''.

(b) ASSURANCES.—Section 1304(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(c)) is amended—

(1) in paragraph (1), by striking ''1306(b)(1);'' and inserting ''1306(a);'';

(2) in paragraph (3)—

(A) by striking ''appropriate'';

(B) by striking ''out, to the extent feasible,'' and inserting ''out''; and

(C) by striking ''1118;'' and inserting ''1118, unless extraordinary circumstances make implementation consistent with such section impractical;''; and

(3) in paragraph (7), by striking ''section 1303(e)'' and inserting ''paragraphs (1)(A) and (2)(B)(i) of section 1303(a)''.

SEC. 133. AUTHORIZED ACTIVITIES.

Section 1306 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6396) is amended to read as follows:

''SEC. 1306. AUTHORIZED ACTIVITIES.

''(a) IN GENERAL.—

''(1) FLEXIBILITY.—Each State educational agency, through its local educational agencies, shall have the flexibility to determine the activities to be provided with funds made available under this part, except that such funds shall first be used to meet the identified needs of migratory children that result from their migratory lifestyle, and to permit these children to participate effectively in school.

''(2) UNADDRESSED NEEDS.—Funds provided under this part shall be used to address the needs of migratory children that are not addressed by services available from other Federal or non-Federal programs, except that migratory children who are eligible to receive services under part A of this title may receive those services through funds provided under that part, or through funds under this part that remain after the agency addresses the needs described in paragraph (1).

''(b) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving migratory children simultaneously with students with similar educational needs in the same educational settings, where appropriate.

''(c) SPECIAL RULE.—Notwithstanding section 1114, a school that receives funds under this part shall continue to address the identified needs described in subsection (a)(1).''.

SEC. 134. COORDINATION OF MIGRANT EDUCATION ACTIVITIES.

(a) DURATION.—Section 1308(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398(a)(2)) is amended by striking ''subpart'' and inserting ''subsection''.

(b) STUDENT RECORDS.—Section 1308(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398(b)) is amended to read as follows:

''(b) STUDENT RECORDS.—

''(1) ASSISTANCE.—The Secretary shall assist States in developing effective methods for the transfer of student records and in determining the number of migratory children in each State. The Secretary, in consultation with the States, shall determine the minimum data elements for records to be maintained and transferred when funds under this part are used for such purpose. The Secretary may assist States to implement a system of electronic records maintenance and transfer for migrant students.

''(2) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this part shall make student records available to another local educational agency that requests the records at no cost to the requesting agency, if the request is made in order to meet the needs of a migratory child.''.

(c) AVAILABILITY OF FUNDS.—Section 1308(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398(c)) is amended by striking ''$6,000,000'' and inserting ''$10,000,000''.

(d) INCENTIVE GRANTS.—Section 1308(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6398(d)) is amended to read as follows:

''(d) INCENTIVE GRANTS.—From the amounts made available to carry out this section for any fiscal year, the Secretary may reserve not more than $3,000,000 to award grants of not more than $250,000 on a competitive basis to State educational agencies that propose a consortium arrangement with another State or other appropriate entity that the Secretary determines, pursuant to criteria that the Secretary shall establish, will improve the delivery of services to migratory children whose education is interrupted.''.

PART C—NEGLECTED OR DELINQUENT YOUTH

SEC. 141. NEGLECTED OR DELINQUENT YOUTH.

The heading for part D of title I is amended to read as follows:

''PART D—PREVENTION AND INTERVENTION PROGRAMS FOR NEGLECTED OR DELINQUENT CHILDREN AND YOUTH''.

SEC. 142. FINDINGS.

Section 1401(a) is amended—

(1) in paragraph (3), by striking the following ''Preventing students from dropping out of local schools and addressing'' and inserting ''Addressing'';

(2) by striking paragraphs (6) through (9) and adding the following:

''(6) Youth returning from correctional facilities need to be involved in programs that provide them with high level skills and other support to help them stay in school and complete their education.''.

SEC. 143. ALLOCATION OF FUNDS.

Section 1412(b) is amended to read as follows:

''(b) SUBGRANTS TO STATE AGENCIES IN PUERTO RICO.—

''(1) IN GENERAL.—For each fiscal year, the amount of the subgrant for which a State agency in the Commonwealth of Puerto Rico shall be eligible to receive under this part shall be the amount determined by multiplying the number of children counted under subparagraph (a)(1)(A) for the Commonwealth of Puerto Rico by the product of—

''(A) the percentage which the average per pupil expenditure in the Commonwealth of Puerto Rico is of the lowest average per pupil expenditure of any of the 50 States; and

''(B) 32 percent of the average per pupil expenditure in the United States.

''(2) MINIMUM ALLOCATION.—The percentage in paragraph (1)(A) shall not be less than—

''(A) for fiscal year 2000, 75.0 percent;

''(B) for fiscal year 2001, 77.5 percent;

''(C) for fiscal year 2002, 80.0 percent;

''(D) for fiscal year 2003, 82.5 percent; and

''(E) for fiscal year 2004 and succeeding fiscal years, 85.0 percent.

''(3) SPECIAL RULE.—If the application of paragraph (2) would result in any of the 50 States or the District of Columbia receiving less under this part than it received under this part for the preceding fiscal year, the percentage in paragraph (1) shall be the greater of the percentage in paragraph (1)(A) or the percentage used for the preceding fiscal year.''.

SEC. 144. STATE PLAN AND STATE AGENCY APPLICATIONS.

Section 1414 is amended to read as follows:

''SEC. 1414. STATE PLAN AND STATE AGENCY APPLICATIONS.

''(a) STATE PLAN.—

''(1) IN GENERAL.—Each State educational agency that desires to receive a grant under this part shall submit, for approval by the Secretary, a plan for meeting the educational needs of neglected and delinquent youth, for assisting in their transition from institutions to locally operated programs, and which is integrated with other programs under this Act or other Acts, as appropriate, consistent with section 14306.

''(2) CONTENTS.—Each such State plan shall—

''(A) describe the program goals, objectives, and performance measures established by the State that will be used to assess the effectiveness of the program in improving academic and vocational and technical skills of children in the program;

''(B) provide that, to the extent feasible, such children will have the same opportunities to learn as such children would have if such children were in the schools of local educational agencies in the State; and

''(C) contain assurances that the State educational agency will—

''(i) ensure that programs assisted under this part will be carried out in accordance with the State plan described in this subsection;

''(ii) carry out the evaluation requirements of section 1416;

''(iii) ensure that the State agencies receiving subgrants under this subpart comply with all applicable statutory and regulatory requirements; and

''(iv) provide such other information as the Secretary may reasonably require.

''(3) DURATION OF THE PLAN.—Each such State plan shall—

''(A) remain in effect for the duration of the State's participation under this part; and

''(B) be periodically reviewed and revised by the State, as necessary, to reflect changes in the State's strategies and programs under this part.

''(b) SECRETARIAL APPROVAL; PEER REVIEW.—

''(1) IN GENERAL.—The Secretary shall approve each State plan that meets the requirements of this part.

''(2) PEER REVIEW.—The Secretary may review any State plan with the assistance and advice of individuals with relevant expertise.

''(c) STATE AGENCY APPLICATIONS.—Any State agency that desires to receive funds to carry out a program under this part shall submit an application to the State educational agency that—

''(1) describes the procedures to be used, consistent with the State plan under section 1111, to assess the educational needs of the children to be served;

''(2) provides assurances that in making services available to youth in adult correctional facilities, priority will be given to such youth who are likely to complete incarceration within a 2-year period;

''(3) describes the program, including a budget for the first year of the program, with annual updates to be provided to the State educational agency;

''(4) describes how the program will meet the goals and objectives of the State plan under this subpart;

''(5) describes how the State agency will consult with experts and provide the necessary training for appropriate staff, to ensure that the planning and operation of institution-wide projects under section 1416 are of high quality;

''(6) describes how the agency will carry out the evaluation requirements of section 14701 and how the results of the most recent evaluation are used to plan and improve the program;

''(7) includes data showing that the agency has maintained fiscal effort required of a local educational agency, in accordance with section 14501 of this title;

''(8) describes how the programs will be coordinated with other appropriate State and Federal programs, such as programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998, vocational and technical education programs, State and local dropout prevention programs, and special education programs;

''(9) describes how States will encourage correctional facilities receiving funds under this subpart to coordinate with local educational agencies or alternative education programs attended by incarcerated youth prior to their incarceration to ensure that student assessments and appropriate academic records are shared jointly between the correctional facility and the local educational agency or alternative education program;

''(10) describes how appropriate professional development will be provided to teachers and other staff;

''(11) designates an individual in each affected institution to be responsible for issues relating to the transition of children and youth from the institution to locally operated programs;

''(12) describes how the agency will, endeavor to coordinate with businesses for training and mentoring for participating youth;

''(13) provides assurances that the agency will assist in locating alternative programs through

which students can continue their education if students are not returning to school after leaving the correctional facility;

''(14) provides assurances that the agency will work with parents to secure parents' assistance in improving the educational achievement of their children and preventing their children's further involvement in delinquent activities;

''(15) provides assurances that the agency works with special education youth in order to meet an existing individualized education program and an assurance that the agency will notify the youth's local school if such youth—

''(A) is identified as in need of special education services while the youth is in the facility; and

''(B) intends to return to the local school;

''(16) provides assurances that the agency will work with youth who dropped out of school before entering the facility to encourage the youth to reenter school once the term of the youth has been completed or provide the youth with the skills necessary to gain employment, continue the education of the youth, or achieve a secondary school diploma or the recognized equivalent if the youth does not intend to return to school;

''(17) provides assurances that teachers and other qualified staff are also trained to work with children with disabilities and other students with special needs taking into consideration the unique needs of such students;

''(18) describes any additional services provided to youth, such as career counseling, distance learning, and assistance in securing student loans and grants; and

''(19) provides assurances that the program under this subpart will be coordinated with any programs operated under the Juvenile Justice and Delinquency Prevention Act of 1974 or other comparable programs, if applicable.''.

SEC. 145. USE OF FUNDS.

Section 1415(a) is amended—

(1) in paragraph (1)(B), by inserting ''and vocational and technical training'' after ''secondary school completion''; and

(2) in paragraph (2)(B)—

(A) in clause (i), by inserting ''and'' after the semicolon;

(B) in clause (ii), by striking ''; and'' and inserting a period; and

(C) by striking clause (iii).

SEC. 146. PURPOSE.

Section 1421 is amended by striking paragraph (3) and inserting the following:

''(3) operate programs for youth returning from correctional facilities in local schools which may also serve youth at risk of dropping out of school.''.

SEC. 147. TRANSITION SERVICES.

Section 1418(a) is amended by striking ''10 percent'' and inserting ''15 percent''.

SEC. 148. PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

Section 1422 is amended—

(1) in subsection (a), by striking ''retained''.

(2) by amending subsection (b) to read as follows:

''(b) SPECIAL RULE.—A local educational agency which includes a correctional facility that operates a school is not required to operate a program of support for children returning from such school to a school not operated by a correctional agency but served by such local educational agency if more than 30 percent of the youth attending the school operated by the correctional facility will reside outside the boundaries of the local educational agency after leaving such facility.''.

(3) by adding at the end of section 1422 the following:

''(d) TRANSITIONAL AND ACADEMIC SERVICES.—Transitional and supportive programs operated in local educational agencies under this subpart shall be designed primarily to meet the transitional and academic needs of students returning to local educational agencies or alternative education programs from correctional facilities. Services to students at risk of dropping out of school shall not have a negative impact on meeting the transitional and academic needs of the students returning from correctional facilities.''.

SEC. 149. LOCAL EDUCATIONAL AGENCY APPLICATIONS.

Section 1423 is amended by striking paragraphs (4) through (9) and inserting the following:

''(4) a description of the program operated by participating schools for children returning from correctional facilities and the types of services that such schools will provide such youth and other at-risk youth;

''(5) a description of the youth returning from correctional facilities and, as appropriate, other at-risk youth expected to be served by the program and how the school will coordinate existing educational programs to meet the unique educational needs of such youth;

''(6) as appropriate, a description of how schools will coordinate with existing social and other services to meet the needs of students returning from correctional facilities and other participating students;

''(7) as appropriate, a description of any partnerships with local businesses to develop training, curriculum-based youth entrepreneurship education and mentoring services for participating students;

''(8) as appropriate, a description of how programs will involve parents in efforts to improve the educational achievement of their children, prevent the involvement of their children in delinquent activities, and encourage their children to remain in school and complete their education;

''(9) a description of how the program under this subpart will be coordinated with other Federal, State, and local programs, such as programs under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 and vocational and technical education programs serving this at-risk population of youth.''.

SEC. 150. USES OF FUNDS.

Section 1424 is amended by striking paragraphs (1) through (3) and inserting the following:

''(1) programs that serve youth returning from correctional facilities to local schools to assist in the transition of such youth to the school environment and help them remain in school in order to complete their education;

''(2) providing assistance to other youth at risk of dropping out of school;

''(3) the coordination of social and other services for participating youth if the provision of such services will improve the likelihood that such youth will complete their education;

''(4) special programs to meet the unique academic needs of participating youth, including vocational and technical education, special education, career counseling, curriculum-based youth entrepreneurship education, and assistance in securing student loans or grants for postsecondary education; and

''(5) programs providing mentoring and peer mediation.''.

SEC. 151. PROGRAM REQUIREMENTS.

Section 1425 is amended—

(1) in paragraph (1), by striking ''where feasible, ensure educational programs'' and inserting the following: ''to the extent practicable, ensure that educational programs'';

(2) in paragraph (3), by striking ''where feasible,'' and inserting the following: ''to the extent practicable,'';

(3) in paragraph (8), by striking ''where feasible,'' and inserting the following: ''to the extent practicable,'';

(4) in paragraph (9), by inserting ''and technical'' after ''vocational''; and

(5) by amending paragraph (11) to read as follows:

''(11) if appropriate, work with local businesses to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for youth.''.

SEC. 152. ACCOUNTABILITY.

Section 1426(1) is amended by striking ''male students and for female students'' and inserting ''students''.

SEC. 153. PROGRAM EVALUATIONS.

Section 1431(a) is amended by striking ''sex, and if feasible,'' and inserting ''gender,''.

PART D—GENERAL PROVISIONS

SEC. 161. GENERAL PROVISIONS.

Part F of title I is amended to read as follows:

''PART F—GENERAL PROVISIONS

''SEC. 1601. FEDERAL REGULATIONS.

''(a) IN GENERAL.—The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this title.

''(b) NEGOTIATED RULEMAKING PROCESS.—

''(1) IN GENERAL.—Prior to publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local administrators, parents, teachers, paraprofessionals, and members of local boards of education involved with the implementation and operation of programs under this title.

''(2) MEETINGS AND ELECTRONIC EXCHANGE.—Such advice and recommendation may be obtained through such mechanisms as regional meetings and electronic exchanges of information.

''(3) PROPOSED REGULATIONS.—After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

''(A) establish a negotiated rulemaking process on a minimum of three key issues, including—

''(i) accountability;

''(ii) implementation of assessments;

''(iii) use of paraprofessionals;

''(B) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, including representation from all geographic regions of the United States; and

''(C) prepare a draft of proposed regulations that shall be provided to the individuals selected by the Secretary under subparagraph (B) not less than 15 days prior to the first meeting under such process.

''(4) PROCESS.—Such process—

''(A) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than 1 year after the date of the enactment of the Student Results Act of 1999; and

''(B) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

''(5) EMERGENCY SITUATION.—In an emergency situation in which regulations to carry out this title must be issued within a very limited time to assist State and local educational agencies with the operation of a program under this title, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.

''(c) LIMITATION.—Regulations to carry out this part may not require local programs to follow a particular instructional model, such as

the provision of services outside the regular classroom or school program.

"SEC. 1602. AGREEMENTS AND RECORDS.

''(a) AGREEMENTS.—All published proposed regulations shall conform to agreements that result from negotiated rulemaking described in section 1601 unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants involved in the process explaining why the Secretary decided to depart from and not adhere to such agreements.

''(b) RECORDS.—The Secretary shall ensure that an accurate and reliable record of agreements reached during the negotiations process is maintained.

"SEC. 1603. STATE ADMINISTRATION.

''(a) RULEMAKING.—

''(1) IN GENERAL.—Each State that receives funds under this title shall—

''(A) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title and provide any such proposed rules, regulations, and policies to the committee of practitioners under subsection (b) for their review and comment;

''(B) minimize such rules, regulations, and policies to which their local educational agencies and schools are subject;

''(C) eliminate or modify State and local fiscal accounting requirements in order to facilitate the ability of schools to consolidate funds under schoolwide programs; and

''(D) identify any such rule, regulation, or policy as a State-imposed requirement.

''(2) SUPPORT AND FACILITATION.—State rules, regulations, and policies under this title shall support and facilitate local educational agency and school-level systemic reform designed to enable all children to meet the challenging State student performance standards.

''(b) COMMITTEE OF PRACTITIONERS.—

''(1) IN GENERAL.—Each State educational agency shall create a State committee of practitioners to advise the State in carrying out its responsibilities under this title.

''(2) MEMBERSHIP.—Each such committee shall include—

''(A) as a majority of its members, representatives from local educational agencies;

''(B) administrators, including the administrators of programs described in other parts of this title;

''(C) teachers, including vocational educators;

''(D) parents;

''(E) members of local boards of education;

''(F) representatives of private school children; and

''(G) pupil services personnel.

''(3) DUTIES.—The duties of such committee shall include a review, prior to publication, of any proposed or final State rule or regulation pursuant to this title. In an emergency situation where such rule or regulation must be issued within a very limited time to assist local educational agencies with the operation of the program under this title, the State educational agency may issue a regulation without prior consultation, but shall immediately thereafter convene the State committee of practitioners to review the emergency regulation prior to issuance in final form.

"SEC. 1604. CONSTRUCTION.

''(a) PROHIBITION OF FEDERAL MANDATES, DIRECTION, OR CONTROL.—Nothing in this title shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's specific instructional content or pupil performance standards and assessments, curriculum, or program of instruction as a condition of eligibility to receive funds under this title.

''(b) EQUALIZED SPENDING.—Nothing in this title shall be construed to mandate equalized spending per pupil for a State, local educational agency, or school.

''(c) BUILDING STANDARDS.—Nothing in this title shall be construed to mandate national school building standards for a State, local educational agency, or school.

"SEC. 1605. APPLICABILITY TO HOME SCHOOLS.

''Nothing in this Act shall be construed to affect home schools.

"SEC. 1606. GENERAL PROVISION REGARDING NONRECIPIENT NONPUBLIC SCHOOLS.

''Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

"SEC. 1607. LOCAL ADMINISTRATIVE COST LIMITATION.

''(a) LOCAL ADMINISTRATIVE COST LIMITATION.—Each local educational agency may use not more than 4 percent of funds received under part A for administrative expenses.

''(b) REGULATIONS.—The Secretary, after consulting with State and local officials and other experts in school finance, shall develop and issue regulations that define the term administrative cost for purposes of this title. Such definition shall be consistent with generally accepted accounting principles. The Secretary shall publish final regulations on this section not later than 1 year after the date of enactment of the Student Results Act of 1999.

"SEC. 1608. PROHIBITION ON MANDATORY NATIONAL CERTIFICATION OF TEACHERS AND PARAPROFESSIONALS.

''(a) PROHIBITION ON MANDATORY TESTING OR CERTIFICATION.—Notwithstanding any other provision of law, the Secretary is prohibited from using Federal funds to plan, develop, implement, or administer any mandatory national teacher or paraprofessional test or certification.

''(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary is prohibited from withholding funds from any State or local educational agency if such State or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

"SEC. 1609. GAO STUDIES.

''(a) STUDY ON PARAPROFESSIONALS.—The General Accounting Office shall conduct a study of paraprofessionals under part A of title I.

''(b) STUDY ON PORTABILITY.—The General Accounting Office shall conduct a study regarding how funds made available under this title could follow a child from school to school.

''(c) STUDY ON ELECTRONIC TRANSFER OF MIGRANT STUDENT RECORDS.—The General Accounting Office shall conduct a study on the feasibility of electronically transferring and maintaining migrant student records.

''(d) EVALUATION BY GENERAL ACCOUNTING OFFICE.—Not later than October 1, 2001, the Comptroller General shall conduct a comprehensive analysis and evaluation regarding the impact on this title of individual waivers for schools, local educational agency waivers, and statewide waivers granted pursuant to the Education Flexibility Partnership Act of 1999 (20 U.S.C. 589a et seq.). The Comptroller General shall submit a report to the Committee on Education and the Workforce of the House of Representatives. In conducting such analysis and evaluation, the Comptroller General shall consider the following factors:

''(1) CONSISTENCY.—The extent to which the State's educational flexibility plan is consistent with ensuring high standards for all children and aligning the efforts of States, local educational agencies, and schools to help children served under this title to reach such standards.

''(2) STATE WAIVERS.—Evaluate the effect that waivers of State law have on addressing the needs and the performance of students in schools subject to this title.

''(3) ALLOCATION OF FUNDS.—The extent to which waivers have affected the allocation of funds to schools, including schools with the highest concentrations of poverty, and schools with the highest educational needs, that are eligible to receive funds under this title.

"SEC. 1610. DEFINITIONS.

''For purposes of this title—

''(1) The term 'Secretary' means the Secretary of Education.

''(2) FULLY QUALIFIED.—The term 'fully qualified'—

''(A) when used with respect to a public elementary or secondary school teacher (other than a teacher teaching in a public charter school), means that the teacher has obtained State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing exam and holds a license to teach in such State; and

''(B) when used with respect to —

''(i) an elementary school teacher, means that the teacher holds a bachelor's degree and demonstrates knowledge and teaching skills in reading, writing, mathematics, science, and other areas of the elementary school curriculum; or

''(ii) a middle or secondary school teacher, means that the teacher holds a bachelor's degree and demonstrates a high level of competency in all subject areas in which he or she teaches through—

''(I) a high level of performance on a rigorous State or local academic subject areas test; or

''(II) completion of an academic major in each of the subject areas in which he or she provides instruction.

''(3) The term 'scientifically-based research'—

''(A) means the application of rigorous, systematic, and objective procedures; and

''(B) shall include research that—

''(i) employs systematic, empirical methods that draw on observation or experiment;

''(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

''(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

''(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"SEC. 1611. PAPERWORK REDUCTION.

''(a) FINDINGS.—The Congress finds that—

''(1) instruction and other classroom activities provide the greatest opportunity for students, especially at-risk and disadvantaged students, to attain high standards and achieve academic success;

''(2) one of the greatest obstacles to establishing an effective, classroom-centered education system is the cost of paperwork compliance;

''(3) paperwork places a burden on teachers and administrators who must complete Federal and State forms to apply for Federal funds and absorbs time and money which otherwise would be spent on students;

''(4) the Education at a Crossroads Report released in 1998 by the Education Subcommittee on Oversight and Investigations states that requirements by the Department of Education result in more than 48.6 million hours of paperwork per year; and

''(5) paperwork distracts from the mission of schools, encumbers teachers and administrators

with nonacademic responsibilities, and competes with teaching and classroom activities which promote learning and achievement.

''(b) SENSE OF CONGRESS.—It is the sense of the Congress that Federal and State educational agencies should reduce the paperwork requirements placed on schools, teachers, principals, and other administrators.''.

PART E—COMPREHENSIVE SCHOOL REFORM

SEC. 171. COMPREHENSIVE SCHOOL REFORM.

Title I is amended by adding at the end the following:

''PART G—COMPREHENSIVE SCHOOL REFORM

''SEC. 1701. COMPREHENSIVE SCHOOL REFORM.

''(a) FINDINGS AND PURPOSE.—

''(1) FINDINGS.—Congress finds the following:

''(A) A number of schools across the country have shown impressive gains in student performance through the use of comprehensive models for schoolwide change that incorporate virtually all aspects of school operations.

''(B) No single comprehensive school reform model may be suitable for every school, however, schools should be encouraged to examine successful, externally developed comprehensive school reform approaches as they undertake comprehensive school reform.

''(C) Comprehensive school reform is an important means by which children are assisted in meeting challenging State student performance standards.

''(2) PURPOSE.—The purpose of this section is to provide financial incentives for schools to develop comprehensive school reforms, based upon scientifically-based research and effective practices that include an emphasis on basic academics and parental involvement so that all children can meet challenging State content and performance standards.

''(b) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to provide grants to State educational agencies to provide subgrants to local educational agencies to carry out the purpose described in subsection (a)(2).

''(2) ALLOCATION.—

''(A) RESERVATION.—Of the amount appropriated under this section, the Secretary may reserve—

''(i) not more than 1 percent for schools supported by the Bureau of Indian Affairs and in the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

''(ii) not more than 1 percent to conduct national evaluation activities described under subsection (e).

''(B) IN GENERAL.—Of the amount of funds remaining after the reservation under subparagraph (A), the Secretary shall allocate to each State for a fiscal year, an amount that bears the same ratio to the amount appropriated for that fiscal year as the amount made available under section 1124 to the State for the preceding fiscal year bears to the total amount allocated under section 1124 to all States for that year.

''(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate any such funds to other States that the Secretary considers in need of additional funds to carry out the purposes of this section.

''(c) STATE AWARDS.—

''(1) STATE APPLICATION.—

''(A) IN GENERAL.—Each State educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner and containing such other information as the Secretary may reasonably require.

''(B) CONTENTS.—Each State application shall also describe—

''(i) the process and selection criteria by which the State educational agency, using expert review, will select local educational agencies to receive subgrants under this section.

''(ii) how the agency will ensure that only comprehensive school reforms that are based on scientifically-based research receive funds under this section;

''(iii) how the agency will disseminate materials regarding information on comprehensive school reforms that are based on scientifically-based research;

''(iv) how the agency will evaluate the implementation of such reforms and measure the extent to which the reforms resulted in increased student academic performance; and

''(v) how the agency will provide, upon request, technical assistance to the local educational agency in evaluating, developing, and implementing comprehensive school reform.

''(2) USES OF FUNDS.—

''(A) IN GENERAL.—Except as provided in subparagraph (E), a State educational agency that receives an award under this section shall use such funds to provide competitive grants to local educational agencies receiving funds under part A.

''(B) GRANT REQUIREMENTS.—A grant to a local educational agency shall be—

''(i) of sufficient size and scope to support the initial costs for the particular comprehensive school reform plan selected or designed by each school identified in the application of the local educational agency;

''(ii) in an amount not less than $50,000 to each participating school; and

''(iii) renewable for 2 additional 1-year periods after the initial 1-year grant is made if schools are making substantial progress in the implementation of their reforms.

''(C) PRIORITY.—The State, in awarding grants under this paragraph, shall give priority to local educational agencies that—

''(i) plan to use the funds in schools identified as being in need of improvement or corrective action under section 1116(c); and

''(ii) demonstrate a commitment to assist schools with budget allocation, professional development, and other strategies necessary to ensure the comprehensive school reforms are properly implemented and are sustained in the future.

''(D) GRANT CONSIDERATION.—In making subgrant awards under this part, the State educational agency shall take into account the equitable distribution of awards to different geographic regions within the State, including urban and rural areas, and to schools serving elementary and secondary students.

''(E) ADMINISTRATIVE COSTS.—A State educational agency that receives a grant award under this section may reserve not more than 5 percent of such award for administrative, evaluation, and technical assistance expenses.

''(F) SUPPLEMENT.—Funds made available under this section shall be used to supplement, not supplant, any other Federal, State, or local funds that would otherwise be available to carry out this section.

''(3) REPORTING.—Each State educational agency that receives an award under this section shall provide to the Secretary such information as the Secretary may require, including the names of local educational agencies and schools selected to receive subgrant awards under this section, the amount of such award, and a description of the comprehensive school reform model selected and in use.

''(d) LOCAL AWARDS.—

''(1) IN GENERAL.—Each local educational agency that applies for a subgrant under this section shall—

''(A) identify which schools eligible for funds under part A plan to implement a comprehensive school reform program, including the projected costs of such a program;

''(B) describe the scientifically-based comprehensive school reforms that such schools will implement;

''(C) describe how the agency will provide technical assistance and support for the effective implementation of the scientifically-based school reforms selected by such schools; and

''(D) describe how the agency will evaluate the implementation of such reforms and measure the results achieved in improving student academic performance.

''(2) COMPONENTS OF THE PROGRAM.—A local educational agency that receives a subgrant award under this section shall provide such funds to schools that implement a comprehensive school reform program that—

''(A) employs innovative strategies and proven methods for student learning, teaching, and school management that are based on scientifically-based research and effective practices and have been replicated successfully in schools with diverse characteristics;

''(B) integrates a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, professional development into a comprehensive reform plan for schoolwide change designed to enable all students to meet challenging State content and challenging student performance standards and addresses needs identified through a school needs assessment;

''(C) provides high-quality and continuous teacher and staff professional development;

''(D) includes measurable goals for student performance and benchmarks for meeting such goals;

''(E) is supported by teachers, principals, administrators, and other professional staff;

''(F) provides for the meaningful involvement of parents and the local community in planning and implementing school improvement activities;

''(G) uses high quality external technical support and assistance from an entity, which may be an institution of higher education, with experience and expertise in schoolwide reform and improvement;

''(H) includes a plan for the evaluation of the implementation of school reforms and the student results achieved; and

''(I) identifies how other resources, including Federal, State, local, and private resources, available to the school will be used to coordinate services to support and sustain the school reform effort.

''(3) SPECIAL RULE.—A school that receives funds to develop a comprehensive school reform program shall not be limited to using the approaches identified or developed by the Department of Education, but may develop its own comprehensive school reform programs for schoolwide change that comply with paragraph (2).

''(e) EVALUATION AND REPORT.—

''(1) IN GENERAL.—The Secretary shall develop a plan for a national evaluation of the programs developed pursuant to this section.

''(2) EVALUATION.—This national evaluation shall evaluate the implementation and results achieved by schools after 3 years of implementing comprehensive school reforms, and assess the effectiveness of comprehensive school reforms in schools with diverse characteristics.

''(3) REPORTS.—Prior to the completion of a national evaluation, the Secretary shall submit an interim report outlining first year implementation activities to the Committees on Education and the Workforce and Appropriations of the House of Representatives and the Committees on Health, Education, Labor, and Pensions and Appropriations of the Senate.

''(f) DEFINITION.—The term 'scientifically-based research'—

''(1) means the application of rigorous, systematic, and objective procedures in the development of comprehensive school reform models; and

''(2) shall include research that—

''(A) employs systematic, empirical methods that draw on observation or experiment;

''(B) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

''(C) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

''(D) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out this section $175,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

TITLE II—MAGNET SCHOOLS ASSISTANCE AND PUBLIC SCHOOL CHOICE

SEC. 201. MAGNET SCHOOLS ASSISTANCE.

Title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7201 et seq.) is amended to read a follows:

''TITLE V—MAGNET SCHOOLS ASSISTANCE AND PUBLIC SCHOOL CHOICE

''PART A—MAGNET SCHOOL ASSISTANCE

''SEC. 5101. FINDINGS.

''The Congress finds that—

''(1) magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in our Nation's schools;

''(2) the use of magnet schools has increased dramatically since the date of enactment of the Magnet Schools Assistance program, with approximately 2,000,000 students nationwide now attending such schools, of which more than 65 percent of the students are nonwhite;

''(3) magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts;

''(4) in administering the Magnet Schools Assistance program, the Federal Government has learned that—

''(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of—

''(i) magnet school students from other students in the school; and

''(ii) students by racial characteristics;

''(B) local educational agencies can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if such agencies have more flexibility in the administration of such program in order to serve students attending a school who are not enrolled in the magnet school program;

''(C) local educational agencies must be creative in designing magnet schools for students at all academic levels, so that school districts do not select only the highest achieving students to attend the magnet schools;

''(D) consistent with desegregation guidelines, local educational agencies must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs operate; and

''(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue to operate magnet schools at a high level of performance; and

''(5) it is in the best interest of the Federal Government to—

''(A) continue the Federal Government's support of school districts implementing court-ordered desegregation plans and school districts voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students' education;

''(B) ensure that all students have equitable access to quality education that will prepare such students to function well in a technologically oriented society and a highly competitive economy;

''(C) maximize the ability of local educational agencies to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform; and

''(D) ensure that grant recipients provide adequate data which demonstrates an ability to improve student achievement.

''SEC. 5102. STATEMENT OF PURPOSE.

''The purpose of this part is to assist in the desegregation of schools served by local educational agencies by providing financial assistance to eligible local educational agencies for—

''(1) the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

''(2) the development and implementation of magnet school projects that will assist local educational agencies in achieving systemic reforms and providing all students the opportunity to meet challenging State content standards and challenging State student performance standards;

''(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary and secondary schools and educational programs; and

''(4) courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational and technical skills of students attending such schools.

''SEC. 5103. PROGRAM AUTHORIZED.

''The Secretary, in accordance with this part, is authorized to make grants to eligible local educational agencies, and consortia of such agencies where appropriate, to carry out the purpose of this part for magnet schools that are—

''(1) part of an approved desegregation plan; and

''(2) designed to bring students from different social, economic, ethnic, and racial backgrounds together.

''SEC. 5104. DEFINITION.

''For the purpose of this part, the term 'magnet school' means a public elementary or secondary school or public elementary or secondary education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

''SEC. 5105. ELIGIBILITY.

''A local educational agency, or consortium of such agencies where appropriate, is eligible to receive assistance under this part to carry out the purposes of this part if such agency or consortium—

''(1) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, that requires the desegregation of minority-group-segregated children or faculty in the elementary and secondary schools of such agency; or

''(2) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to such local educational agency or consortium of such agencies under this part, adopt and implement a plan that has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority-group-segregated children or faculty in such schools.

''SEC. 5106. APPLICATIONS AND REQUIREMENTS.

''(a) APPLICATIONS.—An eligible local educational agency or consortium of such agencies desiring to receive assistance under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may reasonably require.

''(b) INFORMATION AND ASSURANCES.—Each such application shall include—

''(1) a description of—

''(A) how assistance made available under this part will be used to promote desegregation, including how the proposed magnet school project will increase interaction among students of different social, economic, ethnic, and racial backgrounds;

''(B) the manner and extent to which the magnet school project will increase student achievement in the instructional area or areas offered by the school;

''(C) how an applicant will continue the magnet school project after assistance under this part is no longer available, including, if applicable, an explanation of why magnet schools established or supported by the applicant with funds under this part cannot be continued without the use of funds under this part;

''(D) how funds under this part will be used to improve student academic performance for all students attending the magnet schools; and

''(E) the criteria to be used in selecting students to attend the proposed magnet school projects; and

''(2) assurances that the applicant will—

''(A) use funds under this part for the purposes specified in section 5102;

''(B) employ fully qualified teachers (as defined in section 1119) in the courses of instruction assisted under this part;

''(C) not engage in discrimination based on race, religion, color, national origin, sex, or disability in—

''(i) the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

''(ii) the assignment of students to schools, or to courses of instruction within the school, of such agency, except to carry out the approved plan; and

''(iii) designing or operating extracurricular activities for students;

''(D) carry out a high-quality education program that will encourage greater parental decisionmaking and involvement; and

''(E) give students residing in the local attendance area of the proposed magnet school projects equitable consideration for placement in those projects.

''SEC. 5107. PRIORITY.

''In approving applications under this part, the Secretary shall give priority to applicants that—

''(1) demonstrate the greatest need for assistance, based on the expense or difficulty of effectively carrying out an approved desegregation plan and the projects for which assistance is sought;

''(2) propose to carry out new magnet school projects, or significantly revise existing magnet school projects; and

''(3) propose to select students to attend magnet school projects by methods such as lottery, rather than through academic examination.

''SEC. 5108. USE OF FUNDS.

''(a) IN GENERAL.—Grant funds made available under this part may be used by an eligible local educational agency or consortium of such agencies—

''(1) for planning and promotional activities directly related to the development, expansion, continuation, or enhancement of academic programs and services offered at magnet schools;

''(2) for the acquisition of books, materials, and equipment, including computers and the maintenance and operation thereof, necessary for the conduct of programs in magnet schools;

''(3) for the payment, or subsidization of the compensation, of elementary and secondary school teachers who are fully qualified (as defined in section 1119), and instructional staff where applicable, who are necessary for the conduct of programs in magnet schools;

''(4) with respect to a magnet school program offered to less than the entire student population of a school, for instructional activities that—

''(A) are designed to make available the special curriculum that is offered by the magnet school project to students who are enrolled in the school but who are not enrolled in the magnet school program; and

''(B) further the purposes of this part; and

''(5) for activities, which may include professional development, that will build the recipient's capacity to operate magnet school programs once the grant period has ended.

''(b) SPECIAL RULE.—Grant funds under this part may be used in accordance with paragraphs (2) and (3) of subsection (a) only if the activities described in such paragraphs are directly related to improving the students' academic performance based on the State's challenging content standards and challenging student performance standards or directly related to improving the students' reading skills or knowledge of mathematics, science, history, geography, English, foreign languages, art, or music, or to improving vocational and technical skills.

''SEC. 5109. PROHIBITIONS.

''(a) TRANSPORTATION.—Grants under this part may not be used for transportation or any activity that does not augment academic improvement.

''(b) PLANNING.—A local educational agency shall not expend funds under this part after the third year that such agency receives funds under this part for such project.

''SEC. 5110. LIMITATIONS.

''(a) DURATION OF AWARDS.—A grant under this part shall be awarded for a period that shall not exceed three fiscal years.

''(b) LIMITATION ON PLANNING FUNDS.—A local educational agency may expend for planning not more than 50 percent of the funds received under this part for the first year of the project, 15 percent of such funds for the second such year, and 10 percent of such funds for the third such year.

''(c) AMOUNT.—No local educational agency or consortium awarded a grant under this part shall receive more than $4,000,000 under this part in any one fiscal year.

''(d) TIMING.—To the extent practicable, the Secretary shall award grants for any fiscal year under this part not later than July 1 of the applicable fiscal year.

''SEC. 5111. EVALUATIONS.

''(a) RESERVATION.—The Secretary may reserve not more than two percent of the funds appropriated under section 5112(a) for any fiscal year to carry out evaluations, technical assistance, and dissemination projects with respect to magnet school projects and programs assisted under this part.

''(b) CONTENTS.—Each evaluation described in subsection (a), at a minimum, shall address—

''(1) how and the extent to which magnet school programs lead to educational quality and improvement;

''(2) the extent to which magnet school programs enhance student access to quality education;

''(3) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students; and

''(4) the extent to which magnet school programs differ from other school programs in terms of the organizational characteristics and resource allocations of such magnet school programs.

''SEC. 5112. AUTHORIZATION OF APPROPRIATIONS; RESERVATION.

''(a) AUTHORIZATION.—For the purpose of carrying out this part, there are authorized to be appropriated $120,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

''(b) AVAILABILITY OF FUNDS FOR GRANTS TO AGENCIES NOT PREVIOUSLY ASSISTED.—In any fiscal year for which the amount appropriated pursuant to subsection (a) exceeds $75,000,000, the Secretary shall give priority to using such amounts in excess of $75,000,000 to award grants to local educational agencies or consortia of such agencies that did not receive a grant under this part in the preceding fiscal year.

''PART B—PUBLIC SCHOOL CHOICE

''SEC. 5201. SHORT TITLE.

''This part may be cited as the 'Public School Choice Act of 1999'.

''SEC. 5202. FINDINGS AND PURPOSE.

''(a) FINDINGS.—The Congress finds that—

''(1) a wide variety of educational opportunities, options, and choices in the public school system is needed to help all children achieve to high standards;

''(2) high-quality public school choice programs that are genuinely open and accessible to all students (including poor, minority, limited English proficient, and disabled students) broaden educational opportunities and promote excellence in education;

''(3) current research shows that—

''(A) students learn in different ways, benefiting from different teaching methods and instructional settings; and

''(B) family involvement in a child's education is a key factor supporting student achievement;

''(4) public school systems have begun to develop a variety of innovative programs that offer expanded choices to parents and students; and

''(5) the Federal Government should support and expand efforts to give students and parents the high-quality public school choices they seek, to help eliminate barriers to effective public school choice, and to disseminate the lessons learned from high-quality choice programs so that all public schools can benefit from these efforts.

''(b) PURPOSE.—It is the purpose of this part to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, and evaluation of, and dissemination of information about, public school choice projects that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.

''SEC. 5203. GRANTS.

''(a) IN GENERAL.—From funds appropriated under section 5206(a) and not reserved under section 5206(b), the Secretary is authorized to make grants to State and local educational agencies to support programs that promote innovative approaches to high-quality public school choice.

''(b) DURATION.—Grants under this part shall not exceed three years.

''SEC. 5204. USES OF FUNDS.

''(a) IN GENERAL—

''(1) PUBLIC SCHOOL CHOICE.—Funds under this part may be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to promote public school choice, including the design and development of new public school choice options, the development of new strategies for overcoming barriers to effective public school choice, and the design and development of public school choice systems that promote high standards for all students and the continuous improvement of all public schools.

''(2) INNOVATIVE APPROACHES.—Such approaches at the school, local educational agency, and State levels may include—

''(A) inter-district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools;

''(B) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions;

''(C) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit;

''(D) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents' places of employment; and

''(E) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

''(b) LIMITATIONS.—Funds under this part—

''(1) shall supplement, and not supplant, non-Federal funds expended for existing programs;

''(2) may not be used for transportation; and

''(3) may not be used to fund projects that are specifically authorized under part A of title V, or part C of title X.

''SEC. 5205. GRANT APPLICATION; PRIORITIES.

''(a) APPLICATION REQUIRED.—A State or local educational agency desiring to receive a grant under this part shall submit an application to the Secretary.

''(b) APPLICATION CONTENTS.—Each application shall include—

''(1) a description of the program for which funds are sought and the goals for such program;

''(2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-Federal projects;

''(3) if the program includes partners, the name of each partner and a description of the partner's responsibilities;

''(4) a description of the policies and procedures the applicant will use to ensure—

''(A) its accountability for results, including its goals and performance indicators; and

''(B) that the program is open and accessible to, and will promote high academic standards for, all students; and

''(5) such other information as the Secretary may require.

''(c) PRIORITIES.—

''(1) HIGH-POVERTY AGENCIES.—The Secretary shall give a priority to applications for projects that would serve high-poverty local educational agencies.

''(2) PARTNERSHIPS.—The Secretary may give a priority to applications demonstrating that the applicant will carry out its project in partnership with one or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

''SEC. 5206. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $20,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(b) RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION.—From the amount appropriated under subsection (a) for any fiscal year, the Secretary may reserve not more than 5 percent to carry out evaluations under subsection (c), to provide technical assistance, and to disseminate information.

''(c) EVALUATIONS.—The Secretary may use funds reserved under subsection (b) to carry out one or more evaluations of programs assisted under this part, which shall, at a minimum, address—

''(1) how, and the extent to which, the programs supported with funds under this part promote educational equity and excellence; and

''(2) the extent to which public schools of choice supported with funds under this part are—

''(A) held accountable to the public;

''(B) effective in improving public education; and

''(C) open and accessible to all students.

''SEC. 5207. DEFINITIONS.

''For purposes of this part:

''(1) HIGH-POVERTY LOCAL EDUCATIONAL AGENCY.—The term 'high-poverty local educational agency' means a local educational agency in which—

''(A) the percentage of children, ages 5 to 17, from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available is 20 percent or greater; or

''(B) the number of such children exceeds 10,000.

''(2) OTHER TERMS.—Other terms used in this part shall have the meaning given such terms in section 14101 (20 U.S.C. 8801).''.

SEC. 202. CONTINUATION OF AWARDS.

Notwithstanding the amendment made by section 201, any local educational agency or consortium of such agencies that was awarded a grant under section 5111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7211) prior to the date of the enactment of this Act shall continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

TITLE III—TEACHER LIABILITY PROTECTION

SEC. 301. TEACHER LIABILITY PROTECTION.

The Elementary and Secondary Education Act of 1965 (20 U.S.C 6301 et seq.) is amended by adding at the end the following:

''TITLE XV—TEACHER LIABILITY PROTECTION

''SEC. 15001. SHORT TITLE.

''This title may be cited as the 'Teacher Liability Protection Act of 1999'.

''SEC. 15002. FINDINGS AND PURPOSE.

''(a) FINDINGS.—Congress makes the following findings:

''(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation's elementary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

''(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

''(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

''(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

''(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

''(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

''(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

''(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

''SEC. 15003. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

''(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

''(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

''(1) citing the authority of this subsection;

''(2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and

''(3) containing no other provisions.

''SEC. 15004. LIMITATION ON LIABILITY FOR TEACHERS.

''(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

''(1) the teacher was acting within the scope of the teacher's employment or responsibilities related to providing educational services;

''(2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

''(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

''(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

''(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

''(A) possess an operator's license; or

''(B) maintain insurance.

''(b) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

''(c) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

''(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

''(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

''(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

''(d) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

''(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such teacher which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

''(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

''(e) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

''(1) IN GENERAL.—The limitations on the liability of a teacher under this title shall not apply to any misconduct that—

''(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

''(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

''(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

''(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (d).

''SEC. 15005. LIABILITY FOR NONECONOMIC LOSS.

''(a) GENERAL RULE.—In any civil action against a teacher, based on an action of a teacher acting within the scope of the teacher's responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

''(b) AMOUNT OF LIABILITY.—

''(1) IN GENERAL.—Each defendant who is a teacher, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

''(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

''SEC. 15006. DEFINITIONS.

For purposes of this title:

''(1) ECONOMIC LOSS.—The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

''(2) HARM.—The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

''(3) NONECONOMIC LOSSES.—The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

''(4) SCHOOL.—The term 'school' means a public or private kindergarten, a public or private elementary school or secondary school (as defined in section 14101, or a home school.

''(5) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

''(6) TEACHER.—The term 'teacher' means a teacher, instructor, principal, administrator, or other educational professional that works in a school, a local school board and any member of such board, and a local educational agency and any employee of such agency.

''SEC. 15007. EFFECTIVE DATE.

''(a) IN GENERAL.—This title shall take effect 90 days after the date of enactment of the Student Results Act of 1999.

''(b) APPLICATION.—This title applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the Student Results Act of 1999, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.''.

TITLE IV—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

Subtitle A—Elementary and Secondary Education Act of 1965

SEC. 401. AMENDMENTS.

Part A of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801 et seq.) is amended to read as follows:

''PART A—INDIAN EDUCATION

''SEC. 9101. FINDINGS.

''Congress finds that—

''(1) the Federal Government has a special responsibility to ensure that educational programs for all American Indian and Alaska Native children and adults—

''(A) are based on high-quality, internationally competitive content standards and student performance standards and build on Indian culture and the Indian community;

''(B) assist local educational agencies, Indian tribes, and other entities and individuals in providing Indian students the opportunity to achieve such standards; and

''(C) meet the unique educational and culturally related academic needs of American Indian and Alaska Native students;

''(2) since the date of enactment of the initial Indian Education Act in 1972, the level of involvement of Indian parents in the planning, development, and implementation of educational programs that affect such parents and their children has increased significantly, and schools should continue to foster such involvement;

''(3) although the number of Indian teachers, administrators, and university professors has increased since 1972, teacher training programs are not recruiting, training, or retraining a sufficient number of Indian individuals as educators to meet the needs of a growing Indian student population in elementary, secondary, vocational, adult, and higher education;

''(4) the dropout rate for Indian students is unacceptably high; 9 percent of Indian students who were eighth graders in 1988 had dropped out of school by 1990;

''(5) during the period from 1980 to 1990, the percentage of Indian individuals living at or below the poverty level increased from 24 percent to 31 percent, and the readiness of Indian children to learn is hampered by the high incidence of poverty, unemployment, and health problems among Indian children and their families; and

''(6) research related specifically to the education of Indian children and adults is very limited, and much of the research is of poor quality or is focused on limited local or regional issues.

''SEC. 9102. PURPOSE.

''(a) PURPOSE.—It is the purpose of this part to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to meet the unique educational and culturally related academic needs of American Indians and Alaska Natives, so that such students can achieve to the same challenging State performance standards expected of all other students.

''(b) PROGRAMS.—This part carries out the purpose described in subsection (a) by authorizing programs of direct assistance for—

''(1) meeting the unique educational and culturally related academic needs of American Indians and Alaska Natives;

''(2) the education of Indian children and adults;

''(3) the training of Indian persons as educators and counselors, and in other professions serving Indian people; and

''(4) research, evaluation, data collection, and technical assistance.

''Subpart 1—Formula Grants to Local Educational Agencies

''SEC. 9111. PURPOSE.

''It is the purpose of this subpart to support local educational agencies in their efforts to reform elementary and secondary school programs that serve Indian students in order to ensure that such programs—

''(1) are based on challenging State content standards and State student performance standards that are used for all students; and

''(2) are designed to assist Indian students in meeting those standards and assist the Nation in reaching the National Education Goals.

''SEC. 9112. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

''(a) IN GENERAL.—

''(1) ENROLLMENT REQUIREMENTS.—A local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 9117 and who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

''(A) was at least 10; or

''(B) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

''(2) EXCLUSION.—The requirement of paragraph (1) shall not apply in Alaska, California, or Oklahoma, or with respect to any local educational agency located on, or in proximity to, a reservation.

''(b) INDIAN TRIBES.—

''(1) IN GENERAL.—If a local educational agency that is eligible for a grant under this subpart does not establish a parent committee under section 9114(c)(4) for such grant, an Indian tribe that represents not less than one-half of the eligible Indian children who are served by such local educational agency may apply for such grant.

''(2) SPECIAL RULE.—The Secretary shall treat each Indian tribe applying for a grant pursuant to paragraph (1) as if such Indian tribe were a local educational agency for purposes of this subpart, except that any such tribe is not subject to section 9114(c)(4), section 9118(c), or section 9119.

''SEC. 9113. AMOUNT OF GRANTS.

''(a) AMOUNT OF GRANT AWARDS.—

''(1) IN GENERAL.—Except as provided in subsection (b) and paragraph (2), the Secretary shall allocate to each local educational agency which has an approved application under this subpart an amount equal to the product of—

''(A) the number of Indian children who are eligible under section 9117 and served by such agency; and

''(B) the greater of—

''(i) the average per-pupil expenditure of the State in which such agency is located; or

''(ii) 80 percent of the average per-pupil expenditure in the United States.

''(2) REDUCTION.—The Secretary shall reduce the amount of each allocation determined under paragraph (1) in accordance with subsection (e).

''(b) MINIMUM GRANT.—

''(1) IN GENERAL.—Notwithstanding subsection (e), a local educational agency or an Indian tribe (as authorized under section 9112(b)) that is eligible for a grant under section 9112, and a school that is operated or supported by the Bureau of Indian Affairs that is eligible for a grant under subsection (d), that submits an application that is approved by the Secretary, shall, subject to appropriations, receive a grant under this subpart in an amount that is not less than $3,000.

''(2) CONSORTIA.—Local educational agencies may form a consortium for the purpose of obtaining grants under this subpart.

''(3) INCREASE.—The Secretary may increase the minimum grant under paragraph (1) to not more than $4,000 for all grantees if the Secretary determines such increase is necessary to ensure the quality of the programs provided.

''(c) DEFINITION.—For the purpose of this section, the term 'average per-pupil expenditure of a State' means an amount equal to—

''(1) the sum of the aggregate current expenditures of all the local educational agencies in the State, plus any direct current expenditures by the State for the operation of such agencies, without regard to the sources of funds from which such local or State expenditures were made, during the second fiscal year preceding the fiscal year for which the computation is made; divided by

''(2) the aggregate number of children who were included in average daily attendance for whom such agencies provided free public education during such preceding fiscal year.

''(d) SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—(1) Subject to subsection (e), in addition to the grants awarded under subsection (a), the Secretary shall allocate to the Secretary of the Interior an amount equal to the product of—

''(A) the total number of Indian children enrolled in schools that are operated by—

''(i) the Bureau of Indian Affairs; or

''(ii) an Indian tribe, or an organization controlled or sanctioned by an Indian tribal government, for the children of that tribe under a contract with, or grant from, the Department of the Interior under the Indian Self-Determination Act or the Tribally Controlled Schools Act of 1988; and

''(B) the greater of—

''(i) the average per-pupil expenditure of the State in which the school is located; or

''(ii) 80 percent of the average per-pupil expenditure in the United States.

''(2) Any school described in paragraph (1)(A) that wishes to receive an allocation under this subpart shall submit an application in accordance with section 9114, and shall otherwise be treated as a local educational agency for the purpose of this subpart, except that such school shall not be subject to section 9114(c)(4), section 9118(c), or section 9119.

''(e) RATABLE REDUCTIONS.—If the sums appropriated for any fiscal year under section 9162(a) are insufficient to pay in full the amounts determined for local educational agencies under subsection (a)(1) and for the Secretary of the Interior under subsection (d), each of those amounts shall be ratably reduced.

''SEC. 9114. APPLICATIONS.

''(a) APPLICATION REQUIRED.—Each local educational agency that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(b) COMPREHENSIVE PROGRAM REQUIRED.—Each application submitted under subsection (a) shall include a comprehensive program for meeting the needs of Indian children served by the local educational agency, including the language and cultural needs of the children, that—

''(1) provides programs and activities to meet the culturally related academic needs of American Indian and Alaska Native students;

''(2)(A) is consistent with State and local plans under other provisions of this Act; and

''(B) includes academic content and student performance goals for such children, and benchmarks for attaining such goals, that are based on the challenging State standards under title I;

''(3) explains how Federal, State, and local programs, especially under title I, will meet the needs of such students;

''(4) demonstrates how funds made available under this subpart will be used for activities described in section 9115;

''(5) describes the professional development opportunities that will be provided, as needed, to ensure that—

''(A) teachers and other school professionals who are new to the Indian community are prepared to work with Indian children; and

''(B) all teachers who will be involved in programs assisted under this subpart have been properly trained to carry out such programs; and

''(6) describes how the local educational agency—

''(A) will periodically assess the progress of all Indian children enrolled in the schools of the local educational agency, including Indian children who do not participate in programs assisted under this subpart, in meeting the goals described in paragraph (2);

''(B) will provide the results of each assessment referred to in subparagraph (A) to—

''(i) the committee of parents described in subsection (c)(4); and

''(ii) the community served by the local educational agency; and

''(C) is responding to findings of any previous assessments that are similar to the assessments described in subparagraph (A).

''(c) ASSURANCES.—Each application submitted under subsection (a) shall include assurances that—

''(1) the local educational agency will use funds received under this subpart only to supplement the level of funds that, in the absence of the Federal funds made available under this subpart, such agency would make available for the education of Indian children, and not to supplant such funds;

''(2) the local educational agency will submit such reports to the Secretary, in such form and containing such information, as the Secretary may require to—

''(A) carry out the functions of the Secretary under this subpart; and

''(B) determine the extent to which funds provided to the local educational agency under this subpart are effective in improving the educational achievement of Indian students served by such agency;

''(3) the program for which assistance is sought—

''(A) is based on a comprehensive local assessment and prioritization of the unique educational and culturally related academic needs of the American Indian and Alaska Native students to whom the local educational agency is providing an education;

''(B) will use the best available talents and resources, including individuals from the Indian community; and

''(C) was developed by such agency in open consultation with parents of Indian children and teachers, and, if appropriate, Indian students from secondary schools, including public hearings held by such agency to provide the individuals described in this subparagraph a full opportunity to understand the program and to offer recommendations regarding the program; and

''(4) the local educational agency developed the program with the participation and written approval of a committee—

''(A) that is composed of, and selected by—

''(i) parents of Indian children in the local educational agency's schools and teachers; and

''(ii) if appropriate, Indian students attending secondary schools;

''(B) a majority of whose members are parents of Indian children;

''(C) that sets forth such policies and procedures, including policies and procedures relating to the hiring of personnel, as will ensure that the program for which assistance is sought will be operated and evaluated in consultation with, and with the involvement of, parents of the children, and representatives of the area, to be served;

''(D) with respect to an application describing a schoolwide program in accordance with section 9115(c), has—

''(i) reviewed in a timely fashion the program; and

''(ii) determined that the program will not diminish the availability of culturally related activities for American Indian and Alaskan Native students; and

''(E) has adopted reasonable bylaws for the conduct of the activities of the committee and abides by such bylaws.

''SEC. 9115. AUTHORIZED SERVICES AND ACTIVITIES.

''(a) GENERAL REQUIREMENTS.—Each local educational agency that receives a grant under this subpart shall use the grant funds, in a manner consistent with the purpose specified in section 9111, for services and activities that—

''(1) are designed to carry out the comprehensive program of the local educational agency for Indian students, and described in the application of the local educational agency submitted to the Secretary under section 9114(b);

''(2) are designed with special regard for the language and cultural needs of the Indian students; and

''(3) supplement and enrich the regular school program of such agency.

''(b) PARTICULAR ACTIVITIES.—The services and activities referred to in subsection (a) may include—

''(1) culturally related activities that support the program described in the application submitted by the local educational agency;

''(2) early childhood and family programs that emphasize school readiness;

''(3) enrichment programs that focus on problem solving and cognitive skills development and directly support the attainment of challenging State content standards and State student performance standards;

''(4) integrated educational services in combination with other programs that meet the needs of Indian children and their families;

''(5) career preparation activities to enable Indian students to participate in programs such as the programs supported by the Carl D. Perkins Vocational and Technical Education Act of 1998, including programs for tech-prep, mentoring, and apprenticeship;

''(6) activities to educate individuals concerning substance abuse and to prevent substance abuse;

''(7) the acquisition of equipment, but only if the acquisition of the equipment is essential to meet the purposes described in section 9111; and

''(8) family literacy services.

''(c) SCHOOLWIDE PROGRAMS.—Notwithstanding any other provision of law, a local educational agency may use funds made available to such agency under this subpart to support a schoolwide program under section 1114 if—

''(1) the committee composed of parents established pursuant to section 9114(c)(4) approves the use of the funds for the schoolwide program; and

''(2) the schoolwide program is consistent with the purposes described in section 9111.

''(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

''SEC. 9116. INTEGRATION OF SERVICES AUTHORIZED.

''(a) PLAN.—An entity receiving funds under this subpart may submit a plan to the Secretary for the integration of education and related services provided to Indian students.

''(b) COORDINATION OF PROGRAMS.—Upon the receipt of an acceptable plan, the Secretary, in cooperation with each Federal agency providing grants for the provision of education and related services to the applicant, shall authorize the applicant to coordinate, in accordance with such plan, its federally funded education and related services programs, or portions thereof, serving Indian students in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

''(c) PROGRAMS AFFECTED.—The funds that may be consolidated in a demonstration project under any such plan referred to in subsection (b) shall include any Federal program, or portion thereof, under which the applicant is eligible for receipt of funds under a statutory or administrative formula for the purposes of providing education and related services which would be used to serve Indian students.

''(d) PLAN REQUIREMENTS.—For a plan to be acceptable pursuant to subsection (b), it shall—

''(1) identify the programs or funding sources to be consolidated;

''(2) be consistent with the purposes of this section authorizing the services to be integrated in a demonstration project;

''(3) describe a comprehensive strategy which identifies the full range of potential educational opportunities and related services to be provided to assist Indian students to achieve the goals set forth in this subpart;

''(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

''(5) identify the projected expenditures under the plan in a single budget;

''(6) identify the local, State, or tribal agency or agencies to be involved in the delivery of the services integrated under the plan;

''(7) identify any statutory provisions, regulations, policies, or procedures that the applicant believes need to be waived in order to implement its plan;

''(8) set forth measures of student achievement and performance goals designed to be met within a specified period of time; and

''(9) be approved by a parent committee formed in accordance with section 9114(c)(4), if such a committee exists.

''(e) PLAN REVIEW.—Upon receipt of the plan from an eligible entity, the Secretary shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the entity submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the applicant to implement its plan. Notwithstanding any other provision of law, the Secretary of the affected department or departments shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by the applicant or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the intent of this subpart or those provisions of the statute from which the program involved derives its authority which are specifically applicable to Indian students.

''(f) PLAN APPROVAL.—Within 90 days after the receipt of an applicant's plan by the Secretary, the Secretary shall inform the applicant, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the applicant shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval.

''(g) RESPONSIBILITIES OF DEPARTMENT OF EDUCATION.—Not later than 180 days after the date of enactment of the Student Results Act of 1999, the Secretary of Education, the Secretary of the Interior, and the head of any other Federal department or agency identified by the Secretary of Education, shall enter into an interdepartmental memorandum of agreement providing for the implementation of the demonstration projects authorized under this section. The lead agency head for a demonstration program under this section shall be—

''(1) the Secretary of the Interior, in the case of applicant meeting the definition of contract or grant school under title XI of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other applicant.

''(h) RESPONSIBILITIES OF LEAD AGENCY.—The responsibilities of the lead agency shall include—

''(1) the use of a single report format related to the plan for the individual project which shall be used by an eligible entity to report on the activities undertaken under the project;

''(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by an eligible entity to report on all project expenditures;

''(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

''(4) the provision of technical assistance to an eligible entity appropriate to the project, except that an eligible entity shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

''(i) REPORT REQUIREMENTS.—A single report format shall be developed by the Secretary, consistent with the requirements of this section. Such report format, together with records maintained on the consolidated program at the local level, shall contain such information as will allow a determination that the eligible entity has complied with the requirements incorporated in its approved plan, including the demonstration of student achievement, and will provide assurances to each Secretary that the eligible entity has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.

''(j) NO REDUCTION IN AMOUNTS.—In no case shall the amount of Federal funds available to an eligible entity involved in any demonstration project be reduced as a result of the enactment of this section.

''(k) INTERAGENCY FUND TRANSFERS AUTHORIZED.—The Secretary is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to an eligible entity in order to further the purposes of this section.

''(l) ADMINISTRATION OF FUNDS.—

''(1) IN GENERAL.—Program funds shall be administered in such a manner as to allow for a determination that funds from specific a program or programs are spent on allowable activities authorized under such program, except that the eligible entity shall determine the proportion of the funds granted which shall be allocated to such program.

''(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the eligible entity to maintain separate records tracing any services or activities conducted under its approved plan to the individual programs under which funds were authorized, nor shall the eligible entity be required to allocate expenditures among such individual programs.

''(m) OVERAGE.—All administrative costs may be commingled and participating entities shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes, provided that the overage is used for the purposes provided for under this section.

''(n) FISCAL ACCOUNTABILITY.—Nothing in this part shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to the Single Audit Act of 1984.

''(o) REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.—

''(1) PRELIMINARY REPORT.—Not later than 2 years after the date of the enactment of the Student Results Act of 1999, the Secretary of Education shall submit a preliminary report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the status of the implementation of the demonstration program authorized under this section.

''(2) FINAL REPORT.—Not later than 5 years after the date of the enactment of the Student Results Act of 1999, the Secretary of Education shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives on the results of the implementation of the demonstration program authorized under this section. Such report shall identify statutory barriers to the ability of participants to integrate more effectively their education and related services to Indian students in a manner consistent with the purposes of this section.

''(p) DEFINITIONS.—For the purposes of this section, the term 'Secretary' means—

''(1) the Secretary of the Interior, in the case of applicant meeting the definition of contract or grant school under title XI of the Education Amendments of 1978; or

''(2) the Secretary of Education, in the case of any other applicant.

''SEC. 9117. STUDENT ELIGIBILITY FORMS.

''(a) IN GENERAL.—The Secretary shall require that, as part of an application for a grant under this subpart, each applicant shall maintain a file, with respect to each Indian child for whom the local educational agency provides a free public education, that contains a form that sets forth information establishing the status of the child as an Indian child eligible for assistance under this subpart and that otherwise meets the requirements of subsection (b).

''(b) FORMS.—

''(1) IN GENERAL.—The form described in subsection (a) shall include—

''(A) either—

''(i)(I) the name of the tribe or band of Indians (as described in section 9161(3)) with respect to which the child claims membership;

''(II) the enrollment number establishing the membership of the child (if readily available); and

''(III) the name and address of the organization that maintains updated and accurate membership data for such tribe or band of Indians; or

''(ii) if the child is not a member of a tribe or band of Indians, the name, the enrollment number (if readily available), and the organization (and address thereof) responsible for maintaining updated and accurate membership rolls of the tribe of any parent or grandparent of the child from whom the child claims eligibility;

''(B) a statement of whether the tribe or band of Indians with respect to which the child, parent, or grandparent of the child claims membership is federally recognized;

''(C) the name and address of the parent or legal guardian of the child;

''(D) a signature of the parent or legal guardian of the child that verifies the accuracy of the information supplied; and

''(E) any other information that the Secretary considers necessary to provide an accurate program profile.

''(2) MINIMUM INFORMATION.—In order for a child to be eligible to be counted for the purpose of computing the amount of a grant award made under section 9113, an eligibility form prepared pursuant to this section for a child shall include—

''(A) the name of the child;

''(B) the name of the tribe or band of Indians (as described in section 9161(3)) with respect to which the child claims eligibility; and

''(C) the dated signature of the parent or guardian of the child.

''(3) FAILURE.—The failure of an applicant to furnish any information described in this subsection other than the information described in paragraph (2) with respect to any child shall have no bearing on the determination of whether the child is an eligible Indian child for the purposes of determining the amount of a grant award made under section 9113.

''(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect a definition contained in section 9161.

''(d) FORMS AND STANDARDS OF PROOF.—The forms and the standards of proof (including the standard of good faith compliance) that were in use during the 1985–1986 academic year to establish the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act shall be the forms and standards of proof used—

''(1) to establish such eligibility; and

''(2) to meet the requirements of subsection (a).

''(e) DOCUMENTATION.—For purposes of determining whether a child is eligible to be counted for the purpose of computing the amount of a grant under section 9113, the membership of the child, or any parent or grandparent of the child, in a tribe or band of Indians may be established by proof other than an enrollment number, notwithstanding the availability of an enrollment number for a member of such tribe or band. Nothing in subsection (b) shall be construed to require the furnishing of an enrollment number.

''(f) MONITORING AND EVALUATION REVIEW.—

''(1) IN GENERAL.—(A) For each fiscal year, in order to provide such information as is necessary to carry out the responsibility of the Secretary to provide technical assistance under this subpart, the Secretary shall conduct a monitoring and evaluation review of a sampling of the recipients of grants under this subpart. The sampling conducted under this subparagraph shall take into account the size of the local educational agency and the geographic location of such agency.

''(B) A local educational agency may not be held liable to the United States or be subject to any penalty, by reason of the findings of an audit that relates to the date of completion, or the date of submission, of any forms used to establish, before April 28, 1988, the eligibility of a child for entitlement under the Indian Elementary and Secondary School Assistance Act.

''(2) FALSE INFORMATION.—Any local educational agency that provides false information in an application for a grant under this subpart shall—

''(A) be ineligible to apply for any other grant under this part; and

''(B) be liable to the United States for any funds that have not been expended.

''(3) EXCLUDED CHILDREN.—A student who provides false information for the form required under subsection (a) shall not be counted for the purpose of computing the amount of a grant under section 9113.

''(g) TRIBAL GRANT AND CONTRACT SCHOOLS.—Notwithstanding any other provision of this section, in awarding funds under this subpart to a tribal school that receives a grant or contract from the Bureau of Indian Affairs, the Secretary shall use only one of the following, as selected by the school:

''(1) A count of the number of students in those schools certified by the Bureau.

''(2) A count of the number of students for whom the school has eligibility forms that comply with this section.

''(h) TIMING OF CHILD COUNTS.—For purposes of determining the number of children to be counted in calculating the amount of a local educational agency's grant under this subpart (other than in the case described in subsection (g)(1)), the local educational agency shall—

''(1) establish a date on, or a period not longer than 31 consecutive days during which, the agency counts those children, so long as that date or period occurs before the deadline established by the Secretary for submitting an application under section 9114; and

''(2) determine that each such child was enrolled, and receiving a free public education, in a school of the agency on that date or during that period, as the case may be.

"SEC. 9118. PAYMENTS.

''(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall pay to each local educational agency that submits an application that is approved by the Secretary under this subpart the amount determined under section 9113. The Secretary shall notify the local educational agency of the amount of the payment not later than June 1 of the year for which the Secretary makes the payment.

''(b) PAYMENTS TAKEN INTO ACCOUNT BY THE STATE.—The Secretary may not make a grant under this subpart to a local educational agency for a fiscal year if, for such fiscal year, the State in which the local educational agency is located takes into consideration payments made under this subpart in determining the eligibility of the local educational agency for State aid, or the amount of the State aid, with respect to the free public education of children during such fiscal year or the preceding fiscal year.

''(c) REDUCTION OF PAYMENT FOR FAILURE TO MAINTAIN FISCAL EFFORT.—

''(1) IN GENERAL.—The Secretary may not pay a local educational agency the full amount of a grant award determined under section 9113 for any fiscal year unless the State educational agency notifies the Secretary, and the Secretary determines that, with respect to the provision of free public education by the local educational agency for the preceding fiscal year, the combined fiscal effort of the local educational agency and the State, computed on either a per student or aggregate expenditure basis, was not less than 90 percent of the amount of the combined fiscal effort, computed on the same basis, for the second preceding fiscal year.

''(2) FAILURE TO MAINTAIN EFFORT.—If, for any fiscal year, the Secretary determines that a local educational agency failed to maintain the fiscal effort of such agency at the level specified in paragraph (1), the Secretary shall—

''(A) reduce the amount of the grant that would otherwise be made to such agency under this subpart in the exact proportion of such agency's failure to maintain its fiscal effort at such level; and

''(B) not use the reduced amount of the agency's expenditures for the preceding year to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1).

''(3) WAIVER.—(A) The Secretary may waive the requirement of paragraph (1), for not more than 1 year at a time, if the Secretary determines that the failure to comply with such requirement is due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen decline in the agency's financial resources.

''(B) The Secretary shall not use the reduced amount of such agency's expenditures for the fiscal year preceding the fiscal year for which a waiver is granted to determine compliance with paragraph (1) for any succeeding fiscal year, but shall use the amount of expenditures that would have been required to comply with paragraph (1) in the absence of the waiver.

''(d) REALLOCATIONS.—The Secretary may reallocate, in a manner that the Secretary determines will best carry out the purpose of this subpart, any amounts that—

''(1) based on estimates made by local educational agencies or other information, the Secretary determines will not be needed by such agencies to carry out approved programs under this subpart; or

''(2) otherwise become available for reallocation under this subpart.

"SEC. 9119. STATE EDUCATIONAL AGENCY REVIEW.

''Before submitting an application to the Secretary under section 9114, a local educational agency shall submit the application to the State educational agency, which may comment on such application. If the State educational agency comments on the application, it shall comment on all applications submitted by local educational agencies in the State and shall provide those comments to the respective local educational agencies, with an opportunity to respond.

"Subpart 2—Special Programs and Projects To Improve Educational Opportunities for Indian Children

"SEC. 9121. IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN.

''(a) PURPOSE.—

''(1) IN GENERAL.—It is the purpose of this section to support projects to develop, test, and demonstrate the effectiveness of services and programs to improve educational opportunities and achievement of Indian children.

''(2) COORDINATION.—The Secretary shall take such actions as are necessary to achieve the coordination of activities assisted under this subpart with—

''(A) other programs funded under this Act; and

''(B) other Federal programs operated for the benefit of American Indian and Alaska Native children.

''(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means a State educational agency, local educational agency, Indian tribe, Indian organization, federally supported elementary and secondary school for Indian students, Indian institution, including an Indian institution of higher education, or a consortium of such institutions.

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out activities that meet the purpose specified in subsection (a)(1), including—

''(A) innovative programs related to the educational needs of educationally disadvantaged children;

''(B) educational services that are not available to such children in sufficient quantity or quality, including remedial instruction, to raise the achievement of Indian children in one or more of the core academic subjects of English, mathematics, science, foreign languages, art, history, and geography;

''(C) bilingual and bicultural programs and projects;

''(D) special health and nutrition services, and other related activities, that address the unique health, social, and psychological problems of Indian children;

''(E) special compensatory and other programs and projects designed to assist and encourage Indian children to enter, remain in, or reenter school, and to increase the rate of secondary school graduation;

''(F) comprehensive guidance, counseling, and testing services;

''(G) early childhood and kindergarten programs, including family-based preschool programs that emphasize school readiness and parental skills, and the provision of services to Indian children with disabilities;

''(H) partnership projects between local educational agencies and institutions of higher education that allow secondary school students to enroll in courses at the postsecondary level to aid such students in the transition from secondary school to postsecondary education;

''(I) partnership projects between schools and local businesses for career preparation programs designed to provide Indian youth with the knowledge and skills such youth need to make an effective transition from school to a high-skill, high-wage career;

''(J) programs designed to encourage and assist Indian students to work toward, and gain entrance into, an institution of higher education;

''(K) family literacy services; or

''(L) other services that meet the purpose described in subsection (a)(1).

''(2) PROFESSIONAL DEVELOPMENT.—Professional development of teaching professionals and paraprofessional may be a part of any program assisted under this section.

''(d) GRANT REQUIREMENTS AND APPLICATIONS.—

''(1) GRANT REQUIREMENTS.—(A) The Secretary may make multiyear grants under this section for the planning, development, pilot operation, or demonstration of any activity described in subsection (c) for a period not to exceed 5 years.

''(B) In making multiyear grants under this section, the Secretary shall give priority to applications that present a plan for combining two or more of the activities described in subsection (c) over a period of more than 1 year.

''(C) The Secretary shall make a grant payment to an eligible entity after the initial year of the multiyear grant only if the Secretary determines that the eligible entity has made substantial progress in carrying out the activities assisted under the grant in accordance with the application submitted under paragraph (2) and any subsequent modifications to such application.

''(D)(i) In addition to awarding the multiyear grants described in subparagraph (A), the Secretary may award grants to eligible entities for the dissemination of exemplary materials or programs assisted under this section.

''(ii) The Secretary may award a dissemination grant under this subparagraph if, prior to awarding the grant, the Secretary determines that the material or program to be disseminated has been adequately reviewed and has demonstrated—

''(I) educational merit; and

''(II) the ability to be replicated.

''(2) APPLICATION.—(A) Any eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

''(B) Each application submitted to the Secretary under subparagraph (A), other than an application for a dissemination grant under paragraph (1)(D), shall contain—

''(i) a description of how parents of Indian children and representatives of Indian tribes have been, and will be, involved in developing and implementing the activities for which assistance is sought;

''(ii) assurances that the applicant will participate, at the request of the Secretary, in any national evaluation of activities assisted under this section;

''(iii) information demonstrating that the proposed program is either a research-based program (which may be a research-based program that has been modified to be culturally appropriate for the students who will be served);

''(iv) a description of how the applicant will incorporate the proposed services into the ongoing school program once the grant period is over; and

''(v) such other assurances and information as the Secretary may reasonably require.

''(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds provided to a grantee under this subpart for any fiscal year may be used for administrative purposes.

''SEC. 9122. PROFESSIONAL DEVELOPMENT FOR TEACHERS AND EDUCATION PROFESSIONALS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to increase the number of qualified Indian individuals in teaching or other education professions that serve Indian people;

''(2) to provide training to qualified Indian individuals to enable such individuals to become teachers, administrators, teacher aides, social workers, and ancillary educational personnel; and

''(3) to improve the skills of qualified Indian individuals who serve in the capacities described in paragraph (2).

''(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

''(1) an institution of higher education, including an Indian institution of higher education;

''(2) a State or local educational agency, in consortium with an institution of higher education; and

''(3) an Indian tribe or organization, in consortium with an institution of higher education.

''(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

''(d) AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—Grant funds under this section shall be used to provide support and training for Indian individuals in a manner consistent with the purposes of this section. Such activities may include but are not limited to, continuing programs, symposia, workshops, conferences, and direct financial support.

''(2) SPECIAL RULES.—(A) For education personnel, the training received pursuant to a grant under this section may be inservice or preservice training.

''(B) For individuals who are being trained to enter any field other than teaching, the training received pursuant to a grant under this section shall be in a program that results in a graduate degree.

''(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information, as the Secretary may reasonably require.

''(f) SPECIAL RULE.—In making grants under this section, the Secretary—

''(1) shall consider the prior performance of the eligible entity; and

''(2) may not limit eligibility to receive a grant under this section on the basis of—

''(A) the number of previous grants the Secretary has awarded such entity; or

''(B) the length of any period during which such entity received such grants.

''(g) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

''(h) SERVICE OBLIGATION.—

''(1) IN GENERAL.—The Secretary shall require, by regulation, that an individual who receives training pursuant to a grant made under this section—

''(A) perform work—

''(i) related to the training received under this section; and

''(ii) that benefits Indian people; or

''(B) repay all or a prorated part of the assistance received.

''(2) REPORTING.—The Secretary shall establish, by regulation, a reporting procedure under which a grant recipient under this section shall, not later than 12 months after the date of completion of the training, and periodically thereafter, provide information concerning the compliance of such recipient with the work requirement under paragraph (1).

''Subpart 3—National Research Activities

''SEC. 9141. NATIONAL ACTIVITIES.

''(a) AUTHORIZED ACTIVITIES.—The Secretary may use funds made available under section 9162(b) for each fiscal year to—

''(1) conduct research related to effective approaches for the education of Indian children and adults;

''(2) evaluate federally assisted education programs from which Indian children and adults may benefit;

''(3) collect and analyze data on the educational status and needs of Indians; and

''(4) carry out other activities that are consistent with the purpose of this part.

''(b) ELIGIBILITY.—The Secretary may carry out any of the activities described in subsection (a) directly or through grants to, or contracts or cooperative agreements with Indian tribes, Indian organizations, State educational agencies, local educational agencies, institutions of higher education, including Indian institutions of higher education, and other public and private agencies and institutions.

''(c) COORDINATION.—Research activities supported under this section—

''(1) shall be carried out in consultation with the Office of Educational Research and Improvement to assure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

''(2) may include collaborative research activities which are jointly funded and carried out by the Office of Indian Education Programs and the Office of Educational Research and Improvement.

''Subpart 4—Federal Administration

''SEC. 9151. NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION.

''(a) MEMBERSHIP.—There is established a National Advisory Council on Indian Education (hereafter in this section referred to as the 'Council'), which shall—

''(1) consist of 15 Indian members, who shall be appointed by the President from lists of nominees furnished, from time to time, by Indian tribes and organizations; and

''(2) represent different geographic areas of the United States.

''(b) DUTIES.—The Council shall—

''(1) advise the Secretary concerning the funding and administration (including the development of regulations and administrative policies and practices) of any program, including any program established under this part—

''(A) with respect to which the Secretary has jurisdiction; and

''(B)(i) that includes Indian children or adults as participants; or

''(ii) that may benefit Indian children or adults;

''(2) make recommendations to the Secretary for filling the position of Director of Indian Education whenever a vacancy occurs; and

''(3) submit to the Congress, not later than June 30 of each year, a report on the activities of the Council, including—

''(A) any recommendations that the Council considers appropriate for the improvement of Federal education programs that include Indian children or adults as participants, or that may benefit Indian children or adults; and

''(B) recommendations concerning the funding of any program described in subparagraph (A).

''SEC. 9152. PEER REVIEW.

''The Secretary may use a peer review process to review applications submitted to the Secretary under subpart 2 or 3.

''SEC. 9153. PREFERENCE FOR INDIAN APPLICANTS.

''In making grants under subpart 2 or 3, the Secretary shall give a preference to Indian tribes, organizations, and institutions of higher education under any program with respect to which Indian tribes, organizations, and institutions are eligible to apply for grants.

''SEC. 9154. MINIMUM GRANT CRITERIA.

''The Secretary may not approve an application for a grant under subpart 2 unless the application is for a grant that is—

''(1) of sufficient size, scope, and quality to achieve the purpose or objectives of such grant; and

''(2) based on relevant research findings.

''Subpart 5—Definitions; Authorizations of Appropriations

''SEC. 9161. DEFINITIONS.

''For the purposes of this part:

''(1) ADULT.—The term 'adult' means an individual who—

''(A) has attained the age of 16 years; or

''(B) has attained an age that is greater than the age of compulsory school attendance under an applicable State law.

''(2) FREE PUBLIC EDUCATION.—The term 'free public education' means education that is—

''(A) provided at public expense, under public supervision and direction, and without tuition charge; and

''(B) provided as elementary or secondary education in the applicable State or to preschool children.

''(3) INDIAN.—The term 'Indian' means an individual who is—

''(A) a member of an Indian tribe or band, as membership is defined by the tribe or band, including—

''(i) any tribe or band terminated since 1940; and

''(ii) any tribe or band recognized by the State in which the tribe or band resides;

''(B) a descendant, in the first or second degree, of an individual described in subparagraph (A);

''(C) considered by the Secretary of the Interior to be an Indian for any purpose;

''(D) an Eskimo, Aleut, or other Alaska Native; or

''(E) a member of an organized Indian group that received a grant under the Indian Education Act of 1988 as it was in effect the day preceding the date of enactment of the Improving America's Schools Act of 1994.

''SEC. 9162. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) SUBPART 1.—For the purpose of carrying out subpart 1 of this part, there are authorized to be appropriated $62,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2004.

''(b) SUBPARTS 2 AND 3.—For the purpose of carrying out subparts 2 and 3 of this part, there are authorized to be appropriated $4,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004.''.

PART B—NATIVE HAWAIIAN EDUCATION

SEC. 402. NATIVE HAWAIIAN EDUCATION.

Part B of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is repealed.

PART C—ALASKA NATIVE EDUCATION

SEC. 403. ALASKA NATIVE EDUCATION.

Part C of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7931 et seq.) is amended—

(1) by repealing sections 9304 through 9306 and inserting the following:

''SEC. 9304. PROGRAM AUTHORIZED.

''(a) GENERAL AUTHORITY.—

''(1) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to, or enter into contracts with, Alaska Native organizations, educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages, and consortia of such organizations and entities to carry out programs that meet the purpose of this part.

''(2) PERMISSIBLE ACTIVITIES.—Programs under this part may include—

''(A) the development and implementation of plans, methods, and strategies to improve the education of Alaska Natives;

''(B) the development of curricula and educational programs that address the educational needs of Alaska Native students, including—

''(i) curriculum materials that reflect the cultural diversity or the contributions of Alaska Natives;

''(ii) instructional programs that make use of Native Alaskan languages; and

''(iii) networks that introduce successful programs, materials, and techniques to urban and rural schools;

''(C) professional development activities for educators, including—

''(i) programs to prepare teachers to address the cultural diversity and unique needs of Alaska Native students;

''(ii) in-service programs to improve the ability of teachers to meet the unique needs of Alaska Native students; and

''(iii) recruiting and preparing teachers who are Alaska Natives, reside in communities with high concentrations of Alaska Native students, or are likely to succeed as teachers in isolated, rural communities and engage in cross-cultural instruction;

''(D) the development and operation of home instruction programs for Alaska Native preschool children, the purpose of which is to ensure the active involvement of parents in their children's education from the earliest ages;

''(E) family Literacy Services;

''(F) the development and operation of student enrichment programs in science and mathematics that—

''(i) are designed to prepare Alaska Native students from rural areas, who are preparing to enter high school, to excel in science and math; and

''(ii) provide appropriate support services to the families of such students that are needed to enable such students to benefit from the program;

''(G) research and data collection activities to determine the educational status and needs of Alaska Native children and adults;

''(H) other research and evaluation activities related to programs under this part; and

''(I) other activities, consistent with the purposes of this part, to meet the educational needs of Alaska Native children and adults.

''(3) HOME INSTRUCTION PROGRAMS.—Home instruction programs for Alaska Native preschool children under paragraph (2)(D) may include—

''(A) programs for parents and their infants, from prenatal through age three;

''(B) preschool programs; and

''(C) training, education, and support for parents in such areas as reading readiness, observation, story-telling, and critical thinking.—

''(b) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grantee under this section for any fiscal year may be used for administrative purposes.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2004 to carry out this part.'';

(2) in section 9307—

(A) by amending subsection (b) to read as follows:

''(b) APPLICATIONS.—State and local educational agencies may apply for an award under this part only as part of a consortium involving an Alaska Native organization. This consortium may include other eligible applicants.'';

(B) by amending subsection (d) to read as follows:

''(d) LOCAL EDUCATIONAL AGENCY COORDINATION.—Each applicant for an award under this part shall inform each local educational agency serving students who would participate in the project about its application.''; and

(C) by striking subsection (e); and

(3) by redesignating sections 9307 and 9308 as sections 9305 and 9306, respectively.

Subtitle B—Amendments to the Education Amendments of 1978

SEC. 410. AMENDMENTS TO THE EDUCATIONS AMENDMENTS OF 1978.

Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2001 et seq.) is amended to read as follows:

''PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

''SEC. 1120. FINDING AND POLICY.

''(a) FINDING.—Congress finds and recognizes that the Federal Government has the sole responsibility for the operation and financial support of the Bureau of Indian Affairs funded school system that it has established on or near Indian reservations and Indian trust lands throughout the Nation for Indian children.

''(b) POLICY.—It is the policy of the United States to work in full cooperation with Indian tribes toward the goal of assuring that the programs of the Bureau of Indian Affairs funded school system are of the highest quality and meet the unique educational and cultural needs of Indian children.

''SEC. 1121. ACCREDITATION AND STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN IN BUREAU OF INDIAN AFFAIRS SCHOOLS.

''(a) PURPOSE; DECLARATIONS OF PURPOSES.—

''(1) PURPOSE.—The purpose of the standards implemented under this section shall be to afford Indian students being served by a school funded by the Bureau of Indian Affairs the same opportunities as all other students in the United States to achieve the same challenging State performance standards expected of all students.

''(2) DECLARATIONS OF PURPOSES.—Local school boards for schools operated by the Bureau of Indian Affairs, in cooperation and consultation with their tribal governing bodies and their communities, are encouraged to adopt declarations of purposes of education for their communities taking into account the implications of such purposes on education in their communities and for their schools. In adopting such declarations of purpose, the school boards shall consider the effect those declarations may have on the motivation of students and faculties. Such declarations shall represent the aspirations of the community for the kinds of people the community would like its children to become, and shall include assurances that all learners will become accomplished in things and ways important to them and respected by their parents and communities, shaping worthwhile and satisfying lives for themselves, exemplifying the best values of the community and humankind, and becoming increasingly effective in shaping the character and quality of the world all learners share. These declarations of purpose shall influence the standards for accreditation to be accepted by the schools.

''(b) STUDIES AND SURVEYS RELATING TO STANDARDS.—Not later than 1 year after the date of the enactment of the Student Results Act of 1999, the Secretary, in consultation with the Secretary of Education, consortia of education organizations, and Indian organizations and tribes, and making the fullest use possible of other existing studies, surveys, and plans, shall carry out by contract with an Indian organization, studies and surveys to establish and revise standards for the basic education of Indian children attending Bureau funded schools. Such studies and surveys shall take into account factors such as academic needs, local cultural differences, type and level of language skills, geographic isolation, and appropriate teacher-student ratios for such children, and shall be directed toward the attainment of equal educational opportunity for such children.

''(c) REVISION OF MINIMUM ACADEMIC STANDARDS.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Student Results Act of 1999, the Secretary shall—

''(A) propose revisions to the minimum academic standards published in the Federal Register on September 9, 1995 (50 Fed. Reg. 174) for the basic education of Indian children attending

Bureau funded schools in accordance with the purpose described in subsection (a) and the findings of the studies and surveys conducted under subsection (b);

''(B) publish such proposed revisions to such standards in the Federal Register for the purpose of receiving comments from the tribes, tribal school boards, Bureau funded schools, and other interested parties; and

''(C) consistent with the provisions of this section and section 1131, take such actions as are necessary to coordinate standards implemented under this section with the Comprehensive School Reform Plan developed by the Bureau and—

''(i) with the standards of the improvement plans for the States in which any school operated by the Bureau of Indian Affairs is located; or

''(ii) in the case where schools operated by the Bureau are within the boundaries of reservation land of 1 tribe but within the boundaries of more than 1 State, with the standards of the State improvement plan of 1 such State selected by the tribe.

''(2) FURTHER REVISIONS.—Not later that 6 months after the close of the comment period, the Secretary shall establish final standards, distribute such standards to all tribes and publish such final standards in the Federal Register. The Secretary shall revise such standards periodically as necessary. Prior to any revision of such final standards, the Secretary shall distribute such proposed revision to all the tribes, and publish such proposed revision in the Federal Register, for the purpose of receiving comments from the tribes and other interested parties.

''(3) APPLICABILITY OF STANDARDS.—Except as provided in subsection (e), the final standards published under paragraph (2) shall apply to all Bureau funded schools not accredited under subsection (f), and may also serve as a model for educational programs for Indian children in public schools.

''(4) CONSIDERATIONS WHEN ESTABLISHING AND REVISING STANDARDS.—In establishing and revising such standards, the Secretary shall take into account the unique needs of Indian students and support and reinforcement of the specific cultural heritage of each tribe.

''(d) ALTERNATIVE OR MODIFIED STANDARDS.—The Secretary shall provide alternative or modified standards in lieu of the standards established under subsection (c), where necessary, so that the programs of each school are in compliance with the minimum accreditation standards required for schools in the State or region where the school is located.

''(e) WAIVER OF STANDARDS; ALTERNATIVE STANDARDS.—A tribal governing body, or the local school board so designated by the tribal governing body, shall have the local authority to waive, in part or in whole, the standards established under subsection (c) and (d) if such standards are deemed by such body to be inappropriate. The tribal governing body or designated school board shall, not later than 60 days after a waiver under this subsection, submit to the Secretary a proposal for alternative standards that take into account the specific needs of the tribe's children. Such alternative standards shall be established by the Secretary unless specifically rejected by the Secretary for good cause and in writing to the affected tribes or local school board, which rejection shall be final and not subject to review.

''(f) ACCREDITATION AND IMPLEMENTATION OF STANDARDS.—

''(1) DEADLINE FOR MEETING STANDARDS.—Not later the second academic year after publication of the standards, to the extent necessary funding is provided, all Bureau funded schools shall meet the standards established under subsections (c) and (d) or shall be accredited—

''(A) by a tribal accrediting body, if the accreditation standards of the tribal accrediting body have been accepted by formal action of the tribal governing body and are equal to or exceed the accreditation standards of the State or region in which the school is located;

''(B) by a regional accreditation agency; or

''(C) by State accreditation standards for the State in which it is located.

''(2) DETERMINATION OF STANDARDS TO BE APPLIED.—The accreditation type or standards applied for each school shall be determined by the school board of the school, in consultation with the Administrator of the school, provided that in the case where the School Board and the Administrator fail to agree on the type of accreditation and standards to apply, the decision of the school board with the approval of the tribal governing body shall be final.

''(3) ASSISTANCE TO SCHOOL BOARDS.—The Secretary, through contracts and grants, shall assist school boards of contract or grant schools in implementation of the standards established under subsections (c) and (d), if the school boards request that such standards, in part or in whole, be implemented.

''(4) FISCAL CONTROL AND FUND ACCOUNTING STANDARDS.—The Bureau shall, either directly or through contract with an Indian organization, establish a consistent system of reporting standards for fiscal control and fund accounting for all contract and grant schools. Such standards shall provide data comparable to those used by Bureau operated schools.

''(g) ANNUAL PLAN FOR MEETING OF STANDARDS.—Except as provided in subsections (e) and (f), the Secretary shall begin to implement the standards established under this section immediately upon the date of their establishment. On an annual basis, the Secretary shall submit to the appropriate committees of Congress, all Bureau funded schools, and the tribal governing bodies of such schools a detailed plan to bring all Bureau schools and contract or grant schools up to the level required by the applicable standards established under this section. Such plan shall include detailed information on the status of each school's educational program in relation to the applicable standards established under this section, specific cost estimates for meeting such standards at each school and specific timelines for bringing each school up to the level required by such standards.

''(h) CLOSURE OR CONSOLIDATION OF SCHOOLS.—

''(1) IN GENERAL.—Except as specifically required by statute, no school or peripheral dormitory operated by the Bureau on or after January 1, 1992, may be closed or consolidated or have its program substantially curtailed unless done according to the requirements of this subsection.

''(2) EXCEPTIONS.—This subsection shall not apply—

''(A) in those cases where the tribal governing body, or the local school board concerned (if so designated by the tribal governing body), requests closure or consolidation; or

''(B) when a temporary closure, consolidation, or substantial curtailment is required by plant conditions which constitute an immediate hazard to health and safety.

''(3) REGULATIONS.—The Secretary shall, by regulation, promulgate standards and procedures for the closure, transfer to another authority, consolidation, or substantial curtailment of Bureau schools, in accordance with the requirements of this subsection.

''(4) NOTICE.—Whenever closure, transfer to another authority, consolidation, or substantial curtailment of a school is under active consideration or review by any division of the Bureau or the Department of the Interior, the affected tribe, tribal governing body, and designated local school board, will be notified immediately, kept fully and currently informed, and afforded an opportunity to comment with respect to such consideration or review. When a formal decision is made to close, transfer to another authority, consolidate, or substantially curtail a school, the affected tribe, tribal governing body, and designated school board shall be notified at least 6 months prior to the end of the school year preceding the proposed closure date. Copies of any such notices and information shall be transmitted promptly to the appropriate committees of Congress and published in the Federal Register.

''(5) REPORT.—The Secretary shall make a report to the appropriate committees of Congress, the affected tribe, and the designated school board describing the process of the active consideration or review referred to in paragraph (4). The report shall include a study of the impact of such action on the student population, identify those students with particular educational and social needs, and ensure that alternative services are available to such students. Such report shall include the description of the consultation conducted between the potential service provider, current service provider, parents, tribal representatives and the tribe or tribes involved, and the Director of the Office of Indian Education Programs within the Bureau regarding such students.

''(6) LIMITATION ON CERTAIN ACTIONS.—No irrevocable action may be taken in furtherance of any such proposed school closure, transfer to another authority, consolidation or substantial curtailment (including any action which would prejudice the personnel or programs of such school) prior to the end of the first full academic year after such report is made.

''(7) TRIBAL GOVERNING BODY APPROVAL REQUIRED FOR CERTAIN ACTIONS.—The Secretary may terminate, contract, transfer to any other authority, consolidate, or substantially curtail the operation or facilities of—

''(A) any Bureau funded school that is operated on or after of January 1, 1999;

''(B) any program of such a school that is operated on or after January 1, 1999; or

''(C) any school board of a school operated under a grant under the Tribally Controlled Schools Act of 1988,

only if the tribal governing body approves such action.

''(i) APPLICATION FOR CONTRACTS OR GRANTS FOR NON-BUREAU FUNDED SCHOOLS OR EXPANSION OF BUREAU FUNDED SCHOOLS.—

''(1) IN GENERAL.—(A)(i) The Secretary shall only consider the factors described in subparagraph (B) in reviewing—

''(I) applications from any tribe for the awarding of a contract or grant for a school that is not a Bureau funded school; and

''(II) applications from any tribe or school board of any Bureau funded school for—

''(aa) a school which is not a Bureau funded school; or

''(bb) the expansion of a Bureau funded school which would increase the amount of funds received by the Indian tribe or school board under section 1127.

''(ii) With respect to applications described in this subparagraph, the Secretary shall give consideration to all the factors described in subparagraph (B), but no such application shall be denied based primarily upon the geographic proximity of comparable public education.

''(B) With respect to applications described in subparagraph (A) the Secretary shall consider the following factors relating to the program and services that are the subject of the application:

''(i) The adequacy of the facilities or the potential to obtain or provide adequate facilities.

''(ii) Geographic and demographic factors in the affected areas.

''(iii) The adequacy of the applicant's program plans or, in the case of a Bureau funded school, of projected needs analysis done either by the tribe or the Bureau.

''(iv) Geographic proximity of comparable public education.

''(v) The stated needs of all affected parties, including students, families, tribal governments at both the central and local levels, and school organizations.

''(vi) Adequacy and comparability of programs already available.

''(vii) Consistency of available programs with tribal educational codes or tribal legislation on education.

''(viii) The history and success of these services for the proposed population to be served, as determined from all factors, including but not limited to standardized examination performance.

''(2) DETERMINATION ON APPLICATION.—(A) The Secretary shall make a determination of whether to approve any application described in paragraph (1)(A) not later than 180 days after such application is submitted to the Secretary.

''(B) If the Secretary fails to make the determination with respect to an application by the date described in subparagraph (A), the application shall be treated a having been approved by the Secretary.

''(3) REQUIREMENTS FOR APPLICATIONS.—(A) Notwithstanding paragraph (2)(B), an application described in paragraph (1)(A) may be approved by the Secretary only if—

''(i) the application has been approved by the tribal governing body of the students served by (or to be served by) the school or program that is the subject of the application, and

''(ii) written evidence of such approval is submitted with the application.

''(B) Each application described in paragraph (1)(A) shall provide information concerning each of the factors described in paragraph (1)(B).

''(4) DENIAL OF APPLICATIONS.—Whenever the Secretary makes a determination to deny approval of any application described in paragraph (1)(A), the Secretary shall—

''(A) state the objections in writing to the applicant not later 180 days after the application is submitted to the Secretary;

''(B) provide assistance to the applicant to overcome stated objections; and

''(C) provide the applicant a hearing, under the same rules and regulations pertaining to the Indian Self-Determination and Education Assistance Act and an opportunity to appeal the objections raised by the Secretary.

''(5) EFFECTIVE DATE OF A SUBJECT APPLICATION.—(A) Except as otherwise provided in this paragraph, the action which is the subject of any application described in paragraph (1)(A) that is approved by the Secretary shall become effective at the beginning of the academic year following the fiscal year in which the application is approved, or at an earlier date determined by the Secretary.

''(B) If an application is treated as having been approved by the Secretary under paragraph (2)(B), the action that is the subject of the application shall become effective on the date that is 18 months after the date on which the application is submitted to the Secretary, or at an earlier date determined by the Secretary.

''(6) STATUTORY CONSTRUCTION.—Nothing in this section shall be read so as to preclude the expansion of grades and related facilities at a Bureau funded school where such expansion and the maintenance of such expansion is occasioned or paid for with non-Bureau funds.

''(j) GENERAL USE OF FUNDS.—Funds received by Bureau funded schools from the Bureau of Indian Affairs and under any program from the Department of Education or any other Federal agency for the purpose of providing education or related services may be used for schoolwide projects to improve the educational program for all Indian students.

''(k) STUDY ON ADEQUACY OF FUNDS AND FORMULAS.—The Comptroller General shall conduct a study, in consultation with Indian tribes and local school boards, to determine the adequacy of funding, and formulas used by the Bureau to determine funding, for programs operated by Bureau funded schools, taking into account unique circumstances applicable to Bureau funded schools, as well as expenditures for comparable purposes in public schools nationally. Upon completion of the study, the Secretary of the Interior shall take such action as necessary to ensure distribution of the findings of the study to all affected Indian tribes, local school boards, and associations of local school boards.

"SEC. 1122. NATIONAL CRITERIA FOR HOME LIVING SITUATIONS.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Education, Indian organizations and tribes, and Bureau funded schools, shall revise the national standards for home-living (dormitory) situations to include such factors as heating, lighting, cooling, adult-child ratios, needs for counselors (including special needs related to off-reservation home-living (dormitory) situations), therapeutic programs, space, and privacy. Such standards shall be implemented in Bureau operated schools, and shall serve as minimum standards for contract or grant schools. Once established, any revisions of such standards shall be developed according to the requirements established under section 1138A.

''(b) IMPLEMENTATION.—The Secretary shall implement the revised standards established under this section immediately upon their completion.

''(c) PLAN.—At the time of each annual budget submission for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress, the tribes, and the affected schools, and publish in the Federal Register, a detailed plan to bring all Bureau funded schools that provide home-living (dormitory) situations up to the standards established under this section. Such plan shall include a statement of the relative needs of each Bureau funded home-living (dormitory) school, projected future needs of each Bureau funded home-living (dormitory) school, detailed information on the status of each school in relation to the standards established under this section, specific cost estimates for meeting each standard for each such school, aggregate cost estimates for bringing all such schools into compliance with the criteria established under this section, and specific timelines for bringing each school into compliance with such standards.

''(d) WAIVER.—The criteria established under this section may be waived in the same manner as the standards provided under section 1121(c) may be waived.

''(e) CLOSURE FOR FAILURE TO MEET STANDARDS PROHIBITED.—No school in operation on or before January 1, 1987 (regardless of compliance or noncompliance with the criteria established under this section), may be closed, transferred to another authority, consolidated, or have its program substantially curtailed for failure to meet the criteria.

"SEC. 1123. REGULATIONS.

''(a) PART 32 OF TITLE 25 OF CODE OF FEDERAL REGULATIONS.—The provisions of part 32 of title 25 of the Code of Federal Regulations, as in effect on January 1, 1987, are incorporated into this Act and shall be treated as though such provisions are set forth in this subsection. Such provisions may be altered only by means of an Act of Congress. To the extent that such provisions of part 32 do not conform with this Act or any statutory provision of law enacted before November 1, 1978, the provisions of this Act and the provisions of such other statutory law shall govern.

''(b) REGULATION DEFINED.—For purposes of this part, the term 'regulation' means any rules, regulations, guidelines, interpretations, orders, or requirements of general applicability prescribed by any officer or employee of the executive branch.

"SEC. 1124. SCHOOL BOUNDARIES.

''(a) ESTABLISHMENT BY SECRETARY.—The Secretary shall establish, by regulation, separate geographical attendance areas for each Bureau funded school.

''(b) ESTABLISHMENT BY TRIBAL BODY.——In any case where there is more than 1 Bureau funded school located on an Indian reservation, at the direction of the tribal governing body, the relevant school boards of the Bureau funded schools on the reservation may, by mutual consent, establish the relevant attendance areas for such schools, subject to the approval of the tribal governing body. Any such boundaries so established shall be accepted by the Secretary.

''(c) BOUNDARY REVISIONS.—

''(1) IN GENERAL.—On or after July 1, 1999, no geographical attendance area shall be revised or established with respect to any Bureau funded school unless the tribal governing body or the local school board concerned (if so designated by the tribal governing body) has been afforded—

''(A) at least 6 months notice of the intention of the Bureau to revise or establish such attendance area; and

''(B) the opportunity to propose alternative boundaries.

Any tribe may petition the Secretary for revision of existing attendance area boundaries. The Secretary shall accept such proposed alternative or revised boundaries unless the Secretary finds, after consultation with the affected tribe or tribes, that such revised boundaries do not reflect the needs of the Indian students to be served or do not provide adequate stability to all of the affected programs. The Secretary shall cause such revisions to be published in the Federal Register.

''(2) TRIBAL RESOLUTION DETERMINATION.—Nothing in this section shall be interpreted as denying a tribal governing body the authority, on a continuing basis, to adopt a tribal resolution allowing parents the choice of the Bureau funded school their children may attend, regardless of the attendance boundaries established under this section.

''(d) FUNDING RESTRICTIONS.—The Secretary shall not deny funding to a Bureau funded school for any eligible Indian student attending the school solely because that student's home or domicile is outside of the geographical attendance area established for that school under this section. No funding shall be made available without tribal authorization to enable a school to provide transportation for any student to or from the school and a location outside the approved attendance area of the school.

''(e) RESERVATION AS BOUNDARY.—In any case where there is only 1 Bureau funded program located on an Indian reservation, the attendance area for the program shall be the boundaries (established by treaty, agreement, legislation, court decisions, or executive decisions and as accepted by the tribe) of the reservation served, and those students residing near the reservation shall also receive services from such program.

''(f) OFF-RESERVATION HOME-LIVING (DORMITORY) SCHOOLS.—Notwithstanding any geographical attendance areas, attendance at off-reservation home-living (dormitory) schools shall include students requiring special emphasis programs to be implemented at each off-reservation home-living (dormitory) school. Such

attendance shall be coordinated between education line officers, the family, and the referring and receiving programs.

"SEC. 1125. FACILITIES CONSTRUCTION.

''(a) COMPLIANCE WITH HEALTH AND SAFETY STANDARDS.—The Secretary shall immediately begin to bring all schools, dormitories, and other Indian education-related facilities operated by the Bureau or under contract or grant with the Bureau into compliance with all applicable tribal, Federal, or State health and safety standards, whichever provides greater protection (except that the tribal standards to be applied shall be no greater than any otherwise applicable Federal or State standards), with section 504 of the Rehabilitation Act of 1973, and with the Americans with Disabilities Act of 1990. Nothing in this section shall require termination of the operations of any facility which does not comply with such provisions and which is in use on the date of enactment of the Student Results Act of 1999.

''(b) COMPLIANCE PLAN.—At the time that the annual budget request for Bureau educational services is presented, the Secretary shall submit to the appropriate committees of Congress a detailed plan to bring all facilities covered under subsection (a) of this section into compliance with the standards referred to in subsection (a). Such plan shall include detailed information on the status of each facility's compliance with such standards, specific cost estimates for meeting such standards at each school, and specific timelines for bringing each school into compliance with such standards.

''(c) CONSTRUCTION PRIORITIES.—

''(1) SYSTEM TO ESTABLISH PRIORITIES.—On an annual basis the Secretary shall submit to the appropriate committees of Congress and cause to be published in the Federal Register, the system used to establish priorities for replacement and construction projects for Bureau funded schools and home-living schools, including boarding schools and dormitories. At the time any budget request for education is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all Bureau funded school construction priorities.

''(2) LONG-TERM CONSTRUCTION AND REPLACEMENT LIST.—In addition to the plan submitted under subsection (b), the Secretary shall—

''(A) not later than 18 months after the date of enactment of the Student Results Act of 1999, establish a long-term construction and replacement list for all Bureau funded schools;

''(B) using the list prepared under subparagraph (A), propose a list for the orderly replacement of all Bureau funded education-related facilities over a period of 40 years to enable planning and scheduling of budget requests;

''(C) cause the list prepared under subsection (B) to be published in the Federal Register and allow a period of not less than 120 days for public comment;

''(D) make such revisions to the list prepared under subparagraph (B) as are appropriate based on the comments received; and

''(E) cause the final list to be published in the Federal Register.

''(3) EFFECT ON OTHER LIST.—Nothing in this section shall be construed as interfering with or changing in any way the construction priority list as it exists on the date of the enactment of the Student Results Act of 1999.

''(d) HAZARDOUS CONDITION AT BUREAU SCHOOL.—

''(1) CLOSURE OR CONSOLIDATION.—A Bureau funded school may be closed or consolidated, and the programs of a Bureau funded school may be substantially curtailed by reason of plant conditions that constitute an immediate hazard to health and safety only if a health and safety officer of the Bureau determines that such conditions exist at the Bureau funded school.

''(2) INSPECTION.—(A) After making a determination described in paragraph (1), the Bureau health and safety officer shall conduct an inspection of the condition of such plant accompanied by an appropriate tribal, county, municipal, or State health and safety officer in order to determine whether conditions at such plant constitute an immediate hazard to health and safety. Such inspection shall be completed by not later than the date that is 30 days after the date on which the action described in paragraph (1) is taken. No further negative action may be taken unless the findings are concurred in by the second, non-Bureau of Indian Affairs inspector.

''(B) If the health and safety officer conducting the inspection of a plant required under subparagraph (A) determines that conditions at the plant do not constitute an immediate hazard to health and safety, any consolidation or curtailment that was made under paragraph (1) shall immediately cease and any school closed by reason of conditions at the plant shall be reopened immediately.

''(C) If a Bureau funded school is temporarily closed or consolidated or the programs of a Bureau funded school are substantially curtailed under this subsection and the Secretary determines that the closure, consolidation, or curtailment will exceed 1 year, the Secretary shall submit to the Congress, by not later than 6 months after the date on which the closure, consolidation, or curtailment was initiated, a report which sets forth the reasons for such temporary actions, the actions the Secretary is taking to eliminate the conditions that constitute the hazard, and an estimated date by which such actions will be concluded.

''(e) FUNDING REQUIREMENT.—

''(1) DISTRIBUTION OF FUNDS.—Beginning with the fiscal year following the year of the date of the enactment of the Student Results Act of 1999, all funds appropriated for the operations and maintenance of Bureau funded schools shall be distributed by formula to the schools. No funds from this account may be retained or segregated by the Bureau to pay for administrative or other costs of any facilities branch or office, at any level of the Bureau.

''(2) REQUIREMENTS FOR CERTAIN USES.—No funds shall be withheld from the distribution to the budget of any school operated under contract or grant by the Bureau for maintenance or any other facilities or road related purpose, unless such school has consented, as a modification to the contract or in writing for grants schools, to the withholding of such funds, including the amount thereof, the purpose for which the funds will be used, and the timeline for the services to be provided. The school may, at the end of any fiscal year, cancel an agreement under this paragraph upon giving the Bureau 30 days notice of its intent to do so.

''(f) NO REDUCTION IN FEDERAL FUNDING.—Nothing in this section shall be construed to diminish any Federal funding due to the receipt by the school of funding for facilities improvement or construction from a State or any other source.

"SEC. 1126. BUREAU OF INDIAN AFFAIRS EDUCATION FUNCTIONS.

''(a) FORMULATION AND ESTABLISHMENT OF POLICY AND PROCEDURE; SUPERVISION OF PROGRAMS AND EXPENDITURES.—The Secretary shall vest in the Assistant Secretary for Indian Affairs all functions with respect to formulation and establishment of policy and procedure and supervision of programs and expenditures of Federal funds for the purpose of Indian education administered by the Bureau. The Assistant Secretary shall carry out such functions through the Director of the Office of Indian Education Programs.

''(b) DIRECTION AND SUPERVISION OF PERSONNEL OPERATIONS.—Not later than 6 months after the date of the enactment of the Student Results Act of 1999, the Director of the Office of Indian Education Programs shall direct and supervise the operations of all personnel directly and substantially involved in the provision of education services by the Bureau, including school or institution custodial or maintenance personnel, facilities management, contracting, procurement, and finance personnel. The Assistant Secretary for Indian Affairs shall coordinate the transfer of functions relating to procurement, contracts, operation, and maintenance to schools and other support functions to the Director.

''(c) EVALUATION OF PROGRAMS; SERVICES AND SUPPORT FUNCTIONS; TECHNICAL AND COORDINATING ASSISTANCE.—Education personnel who are under the direction and supervision of the Director of the Office of Indian Education Programs in accordance with the first sentence of subsection (b) shall—

''(1) monitor and evaluate Bureau education programs;

''(2) provide all services and support functions for education programs with respect to personnel matters involving staffing actions and functions; and

''(3) provide technical and coordinating assistance in areas such as procurement, contracting, budgeting, personnel, curriculum, and operation and maintenance of school facilities.

''(d) CONSTRUCTION, IMPROVEMENT, OPERATION, AND MAINTENANCE OF FACILITIES.—

''(1) PLAN FOR CONSTRUCTION.—The Assistant Secretary shall submit in the annual budget a plan—

''(A) for school facilities to be constructed under section 1125(c);

''(B) for establishing priorities among projects and for the improvement and repair of educational facilities, which together shall form the basis for the distribution of appropriated funds; and

''(C) for capital improvements to be made over the 5 succeeding years.

''(2) PROGRAM FOR OPERATION AND MAINTENANCE.—

''(A) IN GENERAL.—The Assistant Secretary shall establish a program, including the distribution of appropriated funds, for the operation and maintenance of education facilities. Such program shall include—

''(i) a method of computing the amount necessary for each educational facility;

''(ii) similar treatment of all Bureau funded schools;

''(iii) a notice of an allocation of appropriated funds from the Director of the Office of Indian Education Programs directly to the education line officers and appropriate school officials;

''(iv) a method for determining the need for, and priority of, facilities repair and maintenance projects, both major and minor. In making such determination, the Assistant Secretary shall cause to be conducted a series of meetings at the agency and area level with representatives of the Bureau funded schools in those areas and agencies to receive comment on the lists and prioritization of such projects; and

''(v) a system for the conduct of routine preventive maintenance.

''(B) The appropriate education line officers shall make arrangements for the maintenance of education facilities with the local supervisors of the Bureau maintenance personnel. The local supervisors of Bureau maintenance personnel shall take appropriate action to implement the decisions made by the appropriate education line officers, except that no funds under this chapter may be authorized for expenditure unless such appropriate education line officer is assured that the necessary maintenance has been, or will be, provided in a reasonable manner.

''(3) IMPLEMENTATION.—The requirements of this subsection shall be implemented as soon as practicable after the date of the enactment of the Student Results Act of 1999.

''(e) ACCEPTANCE OF GIFTS AND BEQUESTS.—Notwithstanding any other provision of law, the Director shall promulgate guidelines for the establishment of mechanisms for the acceptance of gifts and bequests for the use and benefit of particular schools or designated Bureau operated education programs, including, where appropriate, the establishment and administration of trust funds. When a Bureau operated program is the beneficiary of such a gift or bequest, the Director shall make provisions for monitoring its use and shall report to the appropriate committees of Congress the amount and terms of such gift or bequest, the manner in which such gift or bequest shall be used, and any results achieved by such action.

''(f) FUNCTIONS CLARIFIED.—For the purpose of this section, the term 'functions' includes powers and duties.

"SEC. 1127. ALLOTMENT FORMULA.

''(a) FACTORS CONSIDERED; REVISION TO REFLECT STANDARDS.—

''(1) FORMULA.—The Secretary shall establish, by regulation adopted in accordance with section 1138A, a formula for determining the minimum annual amount of funds necessary to sustain each Bureau funded school. In establishing such formula, the Secretary shall consider—

''(A) the number of eligible Indian students served and total student population of the school;

''(B) special cost factors, such as—

''(i) the isolation of the school;

''(ii) the need for special staffing, transportation, or educational programs;

''(iii) food and housing costs;

''(iv) maintenance and repair costs associated with the physical condition of the educational facilities;

''(v) special transportation and other costs of isolated and small schools;

''(vi) the costs of home-living (dormitory) arrangements, where determined necessary by a tribal governing body or designated school board;

''(vii) costs associated with greater lengths of service by education personnel;

''(viii) the costs of therapeutic programs for students requiring such programs; and

''(ix) special costs for gifted and talented students;

''(C) the cost of providing academic services which are at least equivalent to those provided by public schools in the State in which the school is located; and

''(D) such other relevant factors as the Secretary determines are appropriate.

''(2) REVISION OF FORMULA.—Upon the establishment of the standards required in sections 1121 and 1122, the Secretary shall revise the formula established under this subsection to reflect the cost of funding such standards. Not later than January 1, 2001, the Secretary shall review the formula established under this section and shall take such steps as are necessary to increase the availability of counseling and therapeutic programs for students in off-reservation home-living (dormitory) schools and other Bureau operated residential facilities. Concurrent with such action, the Secretary shall review the standards established under section 1122 to be certain that adequate provision is made for parental notification regarding, and consent for, such counseling and therapeutic programs.

''(b) PRO RATA ALLOTMENT.—Notwithstanding any other provision of law, Federal funds appropriated for the general local operation of Bureau funded schools shall be allotted pro rata in accordance with the formula established under subsection (a).

''(c) ANNUAL ADJUSTMENT; RESERVATION OF AMOUNT FOR SCHOOL BOARD ACTIVITIES.—

''(1) ANNUAL ADJUSTMENT.—For fiscal year 2001, and for each subsequent fiscal year, the Secretary shall adjust the formula established under subsection (a) to—

''(A) use a weighted unit of 1.2 for each eligible Indian student enrolled in the seventh and eighth grades of the school in considering the number of eligible Indian students served by the school;

''(B) consider a school with an enrollment of less than 50 eligible Indian students as having an average daily attendance of 50 eligible Indian students for purposes of implementing the adjustment factor for small schools;

''(C) take into account the provision of residential services on less than a 9-month basis at a school when the school board and supervisor of the school determine that a less than 9-month basis will be implemented for the school year involved;

''(D) use a weighted unit of 2.0 for each eligible Indian student that—

''(i) is gifted and talented; and

''(ii) is enrolled in the school on a full-time basis,

in considering the number of eligible Indian students served by the school; and

''(E) use a weighted unit of 0.25 for each eligible Indian student who is enrolled in a yearlong credit course in an Indian or Native language as part of the regular curriculum of a school, in considering the number of eligible Indian students served by such school.

The adjustment required under subparagraph (E) shall be used for such school after—

''(i) the certification of the Indian or Native language curriculum by the school board of such school to the Secretary, together with an estimate of the number of full-time students expected to be enrolled in the curriculum in the second school year for which the certification is made; and

(ii) the funds appropriated for allotment under this section are designated by the appropriations Act appropriating such funds as the amount necessary to implement such adjustment at such school without reducing allotments made under this section to any school by virtue of such adjustment.

''(2) RESERVATION OF AMOUNT.—

''(A) IN GENERAL.—From the funds allotted in accordance with the formula established under subsection (a) for each Bureau school, the local school board of such school may reserve an amount which does not exceed the greater of—

''(i) $8,000; or

''(ii) the lesser of—

''(I) $15,000; or

''(II) 1 percent of such allotted funds,

for school board activities for such school, including (notwithstanding any other provision of law) meeting expenses and the cost of membership in, and support of, organizations engaged in activities on behalf of Indian education.

''(B) TRAINING.—Each school board shall see that each new member of the school board receives, within 12 months of the individual's assuming a position on the school board, 40 hours of training relevant to that individual's service on the board. Such training may include legal issues pertaining to schools funded by the Bureau, legal issues pertaining to school boards, ethics, and other topics deemed appropriate by the school board.

''(d) RESERVATION OF AMOUNT FOR EMERGENCIES.—The Secretary shall reserve from the funds available for distribution for each fiscal year under this section an amount which, in the aggregate, shall equal 1 percent of the funds available for such purpose for that fiscal year. Such funds shall be used, at the discretion of the Director of the Office of Indian Education Programs, to meet emergencies and unforeseen contingencies affecting the education programs funded under this section. Funds reserved under this subsection may only be expended for education services or programs, including emergency repairs of educational facilities, at a schoolsite (as defined by section 5204(c)(2) of the Tribally Controlled Schools Act of 1988). Funds reserved under this subsection shall remain available without fiscal year limitation until expended. However, the aggregate amount available from all fiscal years may not exceed 1 percent of the current year funds. Whenever, the Secretary makes funds available under this subsection, the Secretary shall report such action to the appropriate committees of Congress within the annual budget submission.

''(e) SUPPLEMENTAL APPROPRIATIONS.—Supplemental appropriations enacted to meet increased pay costs attributable to school level personnel shall be distributed under this section.

''(f) ELIGIBLE INDIAN STUDENT DEFINED.—For the purpose of this section, the term 'eligible Indian student' means a student who—

''(1) is a member of or is at least ¼ degree Indian blood descendant of a member of an Indian tribe which is eligible for the special programs and services provided by the United States through the Bureau because of their status as Indians; and

''(2) resides on or near an Indian reservation or meets the criteria for attendance at a Bureau off-reservation home-living (dormitory) school.

''(g) TUITION.—

''(1) IN GENERAL.—An eligible Indian student may not be charged tuition for attendance at a Bureau school or contract or grant school. A student attending a Bureau school under paragraph (2)(C) may not be charged tuition for attendance at such a school.

''(2) ATTENDANCE OF NON-INDIAN STUDENTS AT BUREAU SCHOOLS.—The Secretary may permit the attendance at a Bureau school of a student who is not an eligible Indian student if—

''(A) the Secretary determines that the student's attendance will not adversely affect the school's program for eligible Indian students because of cost, overcrowding, or violation of standards or accreditation;

''(B) the school board consents;

''(C) the student is a dependent of a Bureau, Indian Health Service, or tribal government employee who lives on or near the school site; or

''(D) a tuition is paid for the student that is not more than that charged by the nearest public school district for out-of-district students, and shall be in addition to the school's allocation under this section.

''(3) ATTENDANCE OF NON-INDIAN STUDENTS AT CONTRACT AND GRANT SCHOOLS.—The school board of a contract or grant school may permit students who are not eligible Indian students under this subsection to attend its contract school or grant school and any tuition collected for those students shall be in addition to funding received under this section.

''(h) FUNDS AVAILABLE WITHOUT FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, at the election of the school board of a Bureau school made at any time during the fiscal year, a portion equal to not more than 15 percent of the funds allocated with respect to a school under this section for any fiscal year shall remain available to the school for expenditure without fiscal year limitation. The Assistant Secretary shall take steps as may be necessary to implement this provision.

''(i) STUDENTS AT RICHFIELD DORMITORY, RICHFIELD, UTAH.—Tuition for out-of-State Indian students in home-living (dormitory) arrangements at the Richfield dormitory in Richfield, Utah, who attend Sevier County high schools in Richfield, Utah, shall be paid from the Indian school equalization program funds

authorized in this section and section 1130 at a rate not to exceed the amounts per weighted student unit for that year for the instruction of such students. No additional administrative cost funds shall be added to the grant.

"SEC. 1128. ADMINISTRATIVE COST GRANTS.

''(a) GRANTS; EFFECT UPON APPROPRIATED AMOUNTS.—

''(1) GRANTS.—Subject to the availability of appropriated funds, the Secretary shall provide grants to each tribe or tribal organization operating a contract school or grant school in the amount determined under this section with respect to the tribe or tribal organization for the purpose of paying the administrative and indirect costs incurred in operating contract or grant schools, provided that no school operated as a stand-alone institution shall receive less than $200,000.00 per year for these purposes, in order to—

''(A) enable tribes and tribal organizations operating such schools, without reducing direct program services to the beneficiaries of the program, to provide all related administrative overhead services and operations necessary to meet the requirements of law and prudent management practice; and

''(B) carry out other necessary support functions which would otherwise be provided by the Secretary or other Federal officers or employees, from resources other than direct program funds, in support of comparable Bureau operated programs.

''(2) EFFECT UPON APPROPRIATED AMOUNTS.—Amounts appropriated to fund the grants provided under this section shall be in addition to, and shall not reduce, the amounts appropriated for the program being administered by the contract or grant school.

''(b) DETERMINATION OF GRANT AMOUNT.—

''(1) IN GENERAL.—The amount of the grant provided to each tribe or tribal organization under this section for each fiscal year shall be determined by applying the administrative cost percentage rate of the tribe or tribal organization to the aggregate of the Bureau elementary and secondary functions operated by the tribe or tribal organization for which funds are received from or through the Bureau. The administrative cost percentage rate determined under subsection (c) does not apply to other programs operated by the tribe or tribal organization.

''(2) DIRECT COST BASE FUNDS.—The Secretary shall—

''(A) reduce the amount of the grant determined under paragraph (1) to the extent that payments for administrative costs are actually received by an Indian tribe or tribal organization under any Federal education program included in the direct cost base of the tribe or tribal organization; and

''(B) take such actions as may be necessary to be reimbursed by any other department or agency of the Federal Government for the portion of grants made under this section for the costs of administering any program for Indians that is funded by appropriations made to such other department or agency.

''(c) ADMINISTRATIVE COST PERCENTAGE RATE.—

''(1) IN GENERAL.—For purposes of this section, the administrative cost percentage rate for a contract or grant school for a fiscal year is equal to the percentage determined by dividing—

''(A) the sum of—

''(i) the amount equal to—

''(I) the direct cost base of the tribe or tribal organization for the fiscal year, multiplied by

''(II) the minimum base rate; plus

''(ii) the amount equal to—

''(I) the standard direct cost base; multiplied by

''(II) the maximum base rate; by

''(B) the sum of—

''(i) the direct cost base of the tribe or tribal organization for the fiscal year; plus

''(ii) the standard direct cost base.

''(2) ROUNDING.—The administrative cost percentage rate shall be determined to the 1/100 of a decimal point.

''(d) COMBINING FUNDS.—

''(1) IN GENERAL.—Funds received by a tribe or contract or grant school as grants under this section for tribal elementary or secondary educational programs may be combined by the tribe or contract or grant school into a single administrative cost account without the necessity of maintaining separate funding source accounting.

''(2) INDIRECT COST FUNDS.—Indirect cost funds for programs at the school which share common administrative services with tribal elementary or secondary educational programs may be included in the administrative cost account described in paragraph (1).

''(e) AVAILABILITY OF FUNDS.—Funds received as grants under this section with respect to tribal elementary or secondary education programs shall remain available to the contract or grant school without fiscal year limitation and without diminishing the amount of any grants otherwise payable to the school under this section for any fiscal year beginning after the fiscal year for which the grant is provided.

''(f) TREATMENT OF FUNDS.—Funds received as grants under this section for Bureau funded programs operated by a tribe or tribal organization under a contract or agreement shall not be taken into consideration for purposes of indirect cost underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived.

''(g) TREATMENT OF ENTITY OPERATING OTHER PROGRAMS.—In applying this section and section 105 of the Indian Self-Determination and Education Assistance Act with respect to an Indian tribe or tribal organization that—

''(1) receives funds under this section for administrative costs incurred in operating a contract or grant school or a school operated under the Tribally Controlled Schools Act of 1988; and

''(2) operates 1 or more other programs under a contract or grant provided under the Indian Self-Determination and Education Assistance Act;

the Secretary shall ensure that the Indian tribe or tribal organization is provided with the full amount of the administrative costs that are associated with operating the contract or grant school, and of the indirect costs, that are associated with all of such other programs, provided that funds appropriated for implementation of this section shall be used only to supply the amount of the grant required to be provided by this section.

''(h) DEFINITIONS.—For purposes of this section:

''(1) ADMINISTRATIVE COST.—(A) The term 'administrative cost' means the costs of necessary administrative functions which—

''(i) the tribe or tribal organization incurs as a result of operating a tribal elementary or secondary educational program;

''(ii) are not customarily paid by comparable Bureau operated programs out of direct program funds; and

''(iii) are either—

''(I) normally provided for comparable Bureau programs by Federal officials using resources other than Bureau direct program funds; or

''(II) are otherwise required of tribal self-determination program operators by law or prudent management practice.

''(B) The term 'administrative cost' may include—

''(i) contract or grant (or other agreement) administration;

''(ii) executive, policy, and corporate leadership and decisionmaking;

''(iii) program planning, development, and management;

''(iv) fiscal, personnel, property, and procurement management;

''(v) related office services and record keeping; and

''(vi) costs of necessary insurance, auditing, legal, safety and security services.

''(2) BUREAU ELEMENTARY AND SECONDARY FUNCTIONS.—The term 'Bureau elementary and secondary functions' means—

''(A) all functions funded at Bureau schools by the Office;

''(B) all programs—

''(i) funds for which are appropriated to other agencies of the Federal Government; and

''(ii) which are administered for the benefit of Indians through Bureau schools; and

''(C) all operation, maintenance, and repair funds for facilities and government quarters used in the operation or support of elementary and secondary education functions for the benefit of Indians, from whatever source derived.

''(3) DIRECT COST BASE.—(A) Except as otherwise provided in subparagraph (B), the direct cost base of a tribe or tribal organization for the fiscal year is the aggregate direct cost program funding for all tribal elementary or secondary educational programs operated by the tribe or tribal organization during—

''(i) the second fiscal year preceding such fiscal year; or

''(ii) if such programs have not been operated by the tribe or tribal organization during the 2 preceding fiscal years, the first fiscal year preceding such fiscal year.

''(B) In the case of Bureau elementary or secondary education functions which have not previously been operated by a tribe or tribal organization under contract, grant, or agreement with the Bureau, the direct cost base for the initial year shall be the projected aggregate direct cost program funding for all Bureau elementary and secondary functions to be operated by the tribe or tribal organization during that fiscal year.

''(4) MAXIMUM BASE RATE.—The term 'maximum base rate' means 50 percent.

''(5) MINIMUM BASE RATE.—The term 'minimum base rate' means 11 percent.

''(6) STANDARD DIRECT COST BASE.—The term 'standard direct cost base' means $600,000.

''(7) TRIBAL ELEMENTARY OR SECONDARY EDUCATIONAL PROGRAMS.—The term 'tribal elementary or secondary educational programs' means all Bureau elementary and secondary functions, together with any other Bureau programs or portions of programs (excluding funds for social services that are appropriated to agencies other than the Bureau and are expended through the Bureau, funds for major subcontracts, construction, and other major capital expenditures, and unexpended funds carried over from prior years) which share common administrative cost functions, that are operated directly by a tribe or tribal organization under a contract, grant, or agreement with the Bureau.

''(i) STUDIES FOR DETERMINATION OF FACTORS AFFECTING COSTS; BASE RATES LIMITS; STANDARD DIRECT COST BASE; REPORT TO CONGRESS.—

''(1) STUDIES.—Not later than 120 days after the date of enactment of the Student Results Act of 1999, the Director of the Office of Indian Education Programs shall—

''(A) conduct such studies as may be needed to establish an empirical basis for determining relevant factors substantially affecting required administrative costs of tribal elementary and secondary education programs, using the formula set forth in subsection (c); and

''(B) conduct a study to determine—

''(i) a maximum base rate which ensures that the amount of the grants provided under this

section will provide adequate (but not excessive) funding of the administrative costs of the smallest tribal elementary or secondary educational programs;

''(ii) a minimum base rate which ensures that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of the largest tribal elementary or secondary educational programs; and

''(iii) a standard direct cost base which is the aggregate direct cost funding level for which the percentage determined under subsection (c) will—

''(I) be equal to the median between the maximum base rate and the minimum base rate; and

''(II) ensure that the amount of the grants provided under this section will provide adequate (but not excessive) funding of the administrative costs of tribal elementary or secondary educational programs closest to the size of the program.

''(2) GUIDELINES.—The studies required under paragraph (1) shall—

''(A) be conducted in full consultation (in accordance with section 1131) with—

''(i) the tribes and tribal organizations that are affected by the application of the formula set forth in subsection (c); and

''(ii) all national and regional Indian organizations of which such tribes and tribal organizations are typically members;

''(B) be conducted onsite with a representative statistical sample of the tribal elementary or secondary educational programs under a contract entered into with a nationally reputable public accounting and business consulting firm;

''(C) take into account the availability of skilled labor; commodities, business and automatic data processing services, related Indian preference and Indian control of education requirements, and any other market factors found substantially to affect the administrative costs and efficiency of each such tribal elementary or secondary educational program studied in order to assure that all required administrative activities can reasonably be delivered in a cost effective manner for each such program, given an administrative cost allowance generated by the values, percentages, or other factors found in the studies to be relevant in such formula;

''(D) identify, and quantify in terms of percentages of direct program costs, any general factors arising from geographic isolation, or numbers of programs administered, independent of program size factors used to compute a base administrative cost percentage in such formula; and

''(E) identify any other incremental cost factors substantially affecting the costs of required administrative cost functions at any of the tribal elementary or secondary educational programs studied and determine whether the factors are of general applicability to other such programs, and (if so) how the factors may effectively be incorporated into such formula.

''(3) CONSULTATION WITH INSPECTOR GENERAL.—In carrying out the studies required under this subsection, the Director shall obtain the input of, and afford an opportunity to participate to, the Inspector General of the Department of the Interior.

''(4) CONSIDERATION OF DELIVERY OF ADMINISTRATIVE SERVICES.—Determinations described in paragraph (2)(C) shall be based on what is practicable at each location studied, given prudent management practice, irrespective of whether required administrative services were actually or fully delivered at these sites, or whether other services were delivered instead, during the period of the study.

''(5) REPORT.—Upon completion of the studies conducted under paragraph (1), the Director shall submit to Congress a report on the findings of the studies, together with determinations based upon such studies that would affect the definitions set forth under subsection (e) that are used in the formula set forth in subsection (c).

''(6) PROJECTION OF COSTS.—The Secretary shall include in the Bureau's justification for each appropriations request beginning in the first fiscal year after the completion of the studies conducted under paragraph (1), a projection of the overall costs associated with the formula set forth in subsection (c) for all tribal elementary or secondary education programs which the Secretary expects to be funded in the fiscal year for which the appropriations are sought.

''(7) DETERMINATION OF PROGRAM SIZE.—For purposes of this subsection, the size of tribal elementary or secondary educational programs is determined by the aggregate direct cost program funding level for all Bureau funded programs which share common administrative cost functions.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated such sums as necessary to carry out this section.

''(2) REDUCTIONS.—If the total amount of funds necessary to provide grants to tribes and tribal organizations in the amounts determined under subsection (b) for a fiscal year exceeds the amount of funds appropriated to carry out this section for such fiscal year, the Secretary shall reduce the amount of each grant determined under subsection (b) for such fiscal year by an amount that bears the same relationship to such excess as the amount of such grants determined under subsection (b) bears to the total of all grants determined under subsection (b) section for all tribes and tribal organizations for such fiscal year.

''(k) APPLICABILITY TO SCHOOLS OPERATING UNDER TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.—The provisions of this section shall also apply to those schools operating under the Tribally Controlled Schools Act of 1988.

"SEC. 1129. DIVISION OF BUDGET ANALYSIS.

''(a) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of the Student Results Act of 1999, the Secretary shall establish within the Office of Indian Education Programs a Division of Budget Analysis (hereinafter referred to as the 'Division'). Such Division shall be under the direct supervision and control of the Director of the Office.

''(b) FUNCTIONS.—In consultation with the tribal governing bodies and tribal school boards, the Director of the Office, through the Division, shall conduct studies, surveys, or other activities to gather demographic information on Bureau funded schools and project the amount necessary to provide Indian students in such schools the educational program set forth in this part.

''(c) ANNUAL REPORTS.—Not later than the date that the Assistant Secretary for Indian Affairs makes the annual budget submission, for each fiscal year after the date of the enactment of the Student Results Act of 1999, the Director of the Office shall submit to the appropriate committees of Congress (including the Appropriations committees), all Bureau funded schools, and the tribal governing bodies of such schools, a report which shall contain—

''(1) projections, based upon the information gathered pursuant to subparagraph (b) and any other relevant information, of amounts necessary to provide Indian students in Bureau funded schools the educational program set forth in this part;

''(2) a description of the methods and formulas used to calculate the amounts projected pursuant to paragraph (1); and

''(3) such other information as the Director of the Office considers appropriate.

''(d) USE OF REPORTS.—The Director of the Office and the Assistant Secretary for Indian Affairs shall use the annual report required by subsection (c) when preparing their annual budget submissions.

"SEC. 1130. UNIFORM DIRECT FUNDING AND SUPPORT.

''(a) ESTABLISHMENT OF SYSTEM AND FORWARD FUNDING.—

''(1) IN GENERAL.—The Secretary shall establish, by regulation adopted in accordance with section 1138, a system for the direct funding and support of all Bureau funded schools. Such system shall allot funds in accordance with section 1127. All amounts appropriated for distribution under this section may be made available under paragraph (2).

''(2) TIMING FOR USE OF FUNDS.—(A) For the purposes of affording adequate notice of funding available pursuant to the allotments made under section 1127, amounts appropriated in an appropriations Act for any fiscal year shall become available for obligation by the affected schools on July 1 of the fiscal year in which such amounts are appropriated without further action by the Secretary, and shall remain available for obligation through the succeeding fiscal year.

''(B) The Secretary shall, on the basis of the amount appropriated in accordance with this paragraph—

''(i) publish, not later than July 1 of the fiscal year for which the funds are appropriated, allotments to each affected school made under section 1127 of 85 percent of such appropriation; and

''(ii) publish, not later than September 30 of such fiscal year, the allotments to be made under section 1127 of the remaining 15 percent of such appropriation, adjusted to reflect the actual student attendance.

''(3) LIMITATION.—(A) Notwithstanding any other provision of law or regulation, the supervisor of a Bureau funded school may expend an aggregate of not more than $50,000 of the amount allotted the school under section 1127 to acquire materials, supplies, equipment, services, operation, and maintenance for the school without competitive bidding if—

''(i) the cost for any single item purchased does not exceed $15,000;

''(ii) the school board approves the procurement;

''(iii) the supervisor certifies that the cost is fair and reasonable;

''(iv) the documents relating to the procurement executed by the supervisor or other school staff cite this paragraph as authority for the procurement; and

''(v) the transaction is documented in a journal maintained at the school clearly identifying when the transaction occurred, what was acquired and from whom, the price paid, the quantities acquired, and any other information the supervisor or school board considers relevant.

''(B) Not later than 6 months after the date of enactment of the Student Results Act of 1999, the Secretary shall cause to be sent to each supervisor of a Bureau operated program and school board chairperson, the education line officer or officers of each agency and area, and the Bureau Division in charge of procurement, at both the local and national levels, notice of this paragraph.

''(C) The Director shall be responsible for determining the application of this paragraph, including the authorization of specific individuals to carry out this paragraph, and shall be responsible for the provision of guidelines on the use of this paragraph and adequate training on such guidelines.

''(4) EFFECT OF SEQUESTRATION ORDER.—If a sequestration order issued under the Balanced

Budget and Emergency Deficit Control Act of 1985 reduces the amount of funds available for allotment under section 1127 for any fiscal year by more than 7 percent of the amount of funds available for allotment under such section during the preceding fiscal year—

''(A) to fund allotments under section 1127, the Secretary, notwithstanding any other law, may use—

''(i) funds appropriated for the operation of any Bureau school that is closed or consolidated; and

''(ii) funds appropriated for any program that has been curtailed at any Bureau school; and

''(B) the Secretary may waive the application of the provisions of section 1121(h) with respect to the closure or consolidation of a school, or the curtailment of a program at a school, during such fiscal year if the funds described in clauses (i) and (ii) of subparagraph (A) with respect to such school are used to fund allotments made under section 1127 for such fiscal year.

''(b) LOCAL FINANCIAL PLANS FOR EXPENDITURE OF FUNDS.—

''(1) PLAN REQUIRED.—(A) In the case of all Bureau operated schools, allotted funds shall be expended on the basis of local financial plans which ensure meeting the accreditation requirements or standards for the school established pursuant to section 1121 and which shall be prepared by the local school supervisor in active consultation with the local school board for each school. The local school board for each school shall have the authority to ratify, reject, or amend such financial plan, and expenditures thereunder, and, on its own determination or in response to the supervisor of the school, to revise such financial plan to meet needs not foreseen at the time of preparation of the financial plan.

''(B) The supervisor—

''(i) shall put into effect the decisions of the school board;

''(ii) shall provide the appropriate local union representative of the education employees with copies of proposed draft financial plans and all amendments or modifications thereto, at the same time such copies are submitted to the local school board; and

''(iii) may appeal any such action of the local school board to the appropriate education line officer of the Bureau agency by filing a written statement describing the action and the reasons the supervisor believes such action should be overturned. A copy of such statement shall be submitted to the local school board and such board shall be afforded an opportunity to respond, in writing, to such appeal. After reviewing such written appeal and response, the appropriate education line officer may, for good cause, overturn the action of the local school board. The appropriate education line officer shall transmit the determination of such appeal in the form of a written opinion to such board and to such supervisor identifying the reasons for overturning such action.

''(c) USE OF SELF-DETERMINATION GRANTS FUNDS.—Funds for self-determination grants under section 103(a)(2) of the Indian Self-Determination and Education Assistance Act shall not be used for providing technical assistance and training in the field of education by the Bureau unless such services are provided in accordance with a plan, agreed to by the tribe or tribes affected and the Bureau, under which control of education programs is intended to be transferred to such tribe or tribes within a specific period of time negotiated under such agreement. The Secretary may approve applications for funding tribal divisions of education and development of tribal codes of education from funds appropriated pursuant to section 104(a) of such Act.

''(d) TECHNICAL ASSISTANCE AND TRAINING.—In the exercise of its authority under this section, a local school board may request technical assistance and training from the Secretary, and the Secretary shall, to the greatest extent possible, provide such services, and make appropriate provisions in the budget of the Office for such services.

''(e) SUMMER PROGRAM OF ACADEMIC AND SUPPORT SERVICES.—

''(1) IN GENERAL.—A financial plan under subsection (b) for a school may include, at the discretion of the local administrator and the school board of such school, a provision for a summer program of academic and support services for students of the school. Any such program may include activities related to the prevention of alcohol and substance abuse. The Assistant Secretary for Indian Affairs shall provide for the utilization of any such school facility during any summer in which such utilization is requested.

''(2) USE OF OTHER FUNDS.—Notwithstanding any other provision of law, funds authorized under the Act of April 16, 1934, and this Act may be used to augment the services provided in each summer program at the option, and under the control, of the tribe or Indian controlled school receiving such funds.

''(3) TECHNICAL ASSISTANCE AND PROGRAM COORDINATION.—The Assistant Secretary for Indian Affairs, acting through the Director of the Office, shall provide technical assistance and coordination for any program described in paragraph (1) and shall, to the extent possible, encourage the coordination of such programs with any other summer programs that might benefit Indian youth, regardless of the funding source or administrative entity of any such program.

''(f) COOPERATIVE AGREEMENTS.—

''(1) IN GENERAL.—From funds allotted to a Bureau school under section 1127, the Secretary shall, if specifically requested by the tribal governing body (as defined in section 1141), implement any cooperative agreement entered into between the tribe, the Bureau school board, and the local public school district which meets the requirements of paragraph (2) and involves the school. The tribe, the Bureau school board, and the local public school district shall determine the terms of the agreement. Such agreement may encompass coordination of all or any part of the following:

''(A) Academic program and curriculum, unless the Bureau school is currently accredited by a State or regional accrediting entity and would not continue to be so accredited.

''(B) Support services, including procurement and facilities maintenance.

''(C) Transportation.

''(2) EQUAL BENEFIT AND BURDEN.—Each agreement entered into pursuant to the authority provided in paragraph (1) shall confer a benefit upon the Bureau school commensurate with the burden assumed, though this requirement shall not be construed so as to require equal expenditures or an exchange of similar services.

''(g) PRODUCT OR RESULT OF STUDENT PROJECTS.—Notwithstanding any other provision of law, where there is agreement on action between the superintendent and the school board of a Bureau funded school, the product or result of a project conducted in whole or in major part by a student may be given to that student upon the completion of such project.

''(h) NOT CONSIDERED FEDERAL FUNDS FOR MATCHING REQUIREMENTS.—Notwithstanding any other provision of law, funds received by a Bureau funded school under this title shall not be considered Federal funds for the purposes of meeting a matching funds requirement for any Federal program.

''SEC. 1131. POLICY FOR INDIAN CONTROL OF INDIAN EDUCATION.

''(a) FACILITATION OF INDIAN CONTROL.—It shall be the policy of the Secretary and the Bureau, in carrying out the functions of the Bureau, to facilitate tribal control of Indian affairs in all matters relating to education.

''(b) CONSULTATION WITH TRIBES.—

''(1) IN GENERAL.—All actions under this Act shall be done with active consultation with tribes.

''(2) REQUIREMENTS.—The consultation required under paragraph (1) means a process involving the open discussion and joint deliberation of all options with respect to potential issues or changes between the Bureau and all interested parties. During such discussions and joint deliberations, interested parties (including tribes and school officials) shall be given an opportunity to present issues including proposals regarding changes in current practices or programs which will be considered for future action by the Bureau. All interested parties shall be given an opportunity to participate and discuss the options presented or to present alternatives, with the views and concerns of the interested parties given effect unless the Secretary determines, from information available from or presented by the interested parties during 1 or more of the discussions and deliberations, that there is a substantial reason for another course of action. The Secretary shall submit to any Member of Congress, within 18 days of the receipt of a written request by such Member, a written explanation of any decision made by the Secretary which is not consistent with the views of the interested parties.

''SEC. 1132. INDIAN EDUCATION PERSONNEL.

''(a) IN GENERAL.—Chapter 51, subchapter III of chapter 53, and chapter 63 of title 5, United States Code, relating to classification, pay and leave, respectively, and the sections of such title relating to the appointment, promotion, hours of work, and removal of civil service employees, shall not apply to educators or to education positions (as defined in subsection (p)).

''(b) REGULATIONS.—Not later than 60 days after the date of enactment of the Student Results Act of 1999, the Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) the establishment of education positions;

''(2) the establishment of qualifications for educators and education personnel;

''(3) the fixing of basic compensation for educators and education positions;

''(4) the appointment of educators;

''(5) the discharge of educators;

''(6) the entitlement of educators to compensation;

''(7) the payment of compensation to educators;

''(8) the conditions of employment of educators;

''(9) the leave system for educators;

''(10) the annual leave and sick leave for educators and

''(11) such matters as may be appropriate.

''(c) QUALIFICATIONS OF EDUCATORS.—

''(1) REQUIREMENTS.—In prescribing regulations to govern the qualifications of educators, the Secretary shall require—

''(A)(i) that lists of qualified and interviewed applicants for education positions be maintained in each agency and area office of the Bureau from among individuals who have applied at the agency or area level for an education position or who have applied at the national level and have indicated in such application an interest in working in certain areas or agencies; and

''(ii) that a list of qualified and interviewed applicants for education positions be maintained in the Office from among individuals who have applied at the national level for an education position and who have expressed interest in working in an education position anywhere in the United States;

''(B) that a local school board shall have the authority to waive on a case-by-case basis, any

formal education or degree qualifications established by regulation pursuant to subsection (b)(2), in order for a tribal member to be hired in an education position to teach courses on tribal culture and language and that subject to subsection (e)(2), a determination by a school board that such a person be hired shall be instituted supervisor; and

''(C) that it shall not be a prerequisite to the employment of an individual in an education position at the local level that such individual's name appear on the national list maintained pursuant to subparagraph (A)(ii) or that such individual has applied at the national level for an education position.

''(2) EXCEPTION FOR CERTAIN TEMPORARY EMPLOYMENT.—The Secretary may authorize the temporary employment in an education position of an individual who has not met the certification standards established pursuant to regulations, if the Secretary determines that failure to do so would result in that position remaining vacant.

''(d) HIRING OF EDUCATORS.—

''(1) REQUIREMENTS.—In prescribing regulations to govern the appointment of educators, the Secretary shall require—

''(A)(i) that educators employed in a Bureau operated school (other than the supervisor of the school) shall be hired by the supervisor of the school. In cases where there are no qualified applicants available, such supervisor may consult the national list maintained pursuant to subsection (c)(1)(A)(ii);

''(ii) each school supervisor shall be hired by the education line officer of the agency office of the Bureau in which the school is located;

''(iii) educators employed in an agency office of the Bureau shall be hired by the superintendent for education of the agency office; and

''(iv) each education line officer and educators employed in the Office of the Director of Indian Education Programs shall be hired by the Director;

''(B) that before an individual is employed in an education position in a school by the supervisor of a school (or with respect to the position of supervisor, by the appropriate agency education line officer), the local school board for the school shall be consulted. A determination by such school board that such individual should or should not be so employed shall be instituted by the supervisor (or with respect to the position of supervisor, by the agency superintendent for education);

''(C) that before an individual may be employed in an education position at the agency level, the appropriate agency school board shall be consulted, and that a determination by such school board that such individual should or should not be employed shall be instituted by the agency superintendent for education; and

''(D) that before an individual may be employed in an education position in the Office of the Director (other than the position of Director), the national school boards representing all Bureau schools shall be consulted.

''(2) INFORMATION REGARDING APPLICATION AT NATIONAL LEVEL.—Any individual who applies at the local level for an education position shall state on such individual's application whether or not such individual has applied at the national level for an education position in the Bureau. If such individual is employed at the local level, such individual's name shall be immediately forwarded to the Secretary, who shall, as soon as practicable but in no event in more than 30 days, ascertain the accuracy of the statement made by such individual pursuant to the first sentence of this paragraph. Notwithstanding subsection (e), if the individual's statement is found to have been false, such individual, at the Secretary's discretion, may be disciplined or discharged. If the individual has applied at the national level for an education position in the Bureau, the appointment of such individual at the local level shall be conditional for a period of 90 days, during which period the Secretary may appoint a more qualified individual (as determined by the Secretary) from the list maintained at the national level pursuant to subsection (c)(1)(A)(ii) to the position to which such individual was appointed.

''(3) STATUTORY CONSTRUCTION.—Except as expressly provided, nothing in this section shall be construed as conferring upon local school boards authority over, or control of, educators at Bureau funded schools or the authority to issue management decisions.

''(e) DISCHARGE AND CONDITIONS OF EMPLOYMENT OF EDUCATORS.—

''(1) REGULATIONS.—In prescribing regulations to govern the discharge and conditions of employment of educators, the Secretary shall require—

''(A) that procedures be established for the rapid and equitable resolution of grievances of educators;

''(B) that no educator may be discharged without notice of the reasons therefore and opportunity for a hearing under procedures that comport with the requirements of due process; and

''(C) that educators employed in Bureau schools be notified 30 days prior to the end of the school year whether their employment contract will be renewed for the following year.

''(2) PROCEDURES FOR DISCHARGE.—The supervisor of a Bureau school may discharge (subject to procedures established under paragraph (1)(B)) for cause (as determined under regulations prescribed by the Secretary) any educator employed in such school. Upon giving notice of proposed discharge to an educator, the supervisor involved shall immediately notify the local school board for the school of such action. A determination by the local school board that such educator shall not be discharged shall be followed by the supervisor. The supervisor shall have the right to appeal such action to the education line officer of the appropriate agency office of the Bureau. Upon such an appeal, the agency education line officer may, for good cause and in writing to the local school board, overturn the determination of the local school board with respect to the employment of such individual.

''(3) RECOMMENDATIONS OF SCHOOL BOARDS FOR DISCHARGE.—Each local school board for a Bureau school shall have the right—

''(A) to recommend to the supervisor of such school that an educator employed in the school be discharged; and

''(B) to recommend to the education line officer of the appropriate agency office of the Bureau and to the Director of the Office, that the supervisor of the school be discharged.

''(f) APPLICABILITY OF INDIAN PREFERENCE LAWS.—

''(1) IN GENERAL.—Notwithstanding any provision of the Indian preference laws, such laws shall not apply in the case of any personnel action under this section respecting an applicant or employee not entitled to Indian preference if each tribal organization concerned grants a written waiver of the application of such laws with respect to such personnel action and states that such waiver is necessary. This paragraph shall not relieve the Bureau's responsibility to issue timely and adequate announcements and advertisements concerning any such personnel action if such action is intended to fill a vacancy (no matter how such vacancy is created).

''(2) TRIBAL ORGANIZATION DEFINED.—For purposes of this subsection, the term 'tribal organization' means—

''(A) the recognized governing body of any Indian tribe, band, nation, pueblo, or other organized community, including a Native village (as defined in section 3(c) of the Alaska Native Claims Settlement Act); or

''(B) in connection with any personnel action referred to in this subsection, any local school board as defined in section 1141 which has been delegated by such governing body the authority to grant a waiver under this subsection with respect to personnel action.

''(3) INDIAN PREFERENCE LAW DEFINED.—The term 'Indian preference laws' means section 12 of the Act of June 18, 1934 or any other provision of law granting a preference to Indians in promotions and other personnel actions. Such term shall not include section 7(b) of the Indian Self-Determination and Education Assistance Act.

''(g) COMPENSATION OR ANNUAL SALARY.—

''(1) IN GENERAL.—(A) Except as otherwise provided in this section, the Secretary shall fix the basic compensation for educators and education positions at rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 of title 5, United States Code, is applicable or on the basis of the Federal Wage System schedule in effect for the locality, and for the comparable positions, the rates of compensation in effect for the senior executive service.

''(B) The Secretary shall establish the rate of basic compensation, or annual salary rates, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rates of basic compensation applicable (on the date of enactment of the Student Results Act of 1999 and thereafter) to comparable positions in the overseas schools under the Defense Department Overseas Teachers Pay Act. The Secretary shall allow the local school boards authority to implement only the aspects of the Defense Department Overseas Teacher pay provisions that are considered essential for recruitment and retention. Implementation of such provisions shall not be construed to require the implementation of the Act in its entirety.

''(C)(i) Beginning with the fiscal year following the date of enactment of the Student Results Act of 1999, each school board may set the rate of compensation or annual salary rate for teachers and counselors (including academic counselors) who are new hires at the school and who have not worked at the school on the date of implementation of this provision, at rates consistent with the rates paid for individuals in the same positions, with the same tenure and training, in any other school within whose boundaries the Bureau school lies. In instances where the adoption of such rates cause a reduction in the payment of compensation from that which was in effect for the fiscal year following the date of enactment of the Student Results Act of 1999, the new rate may be applied to the compensation of employees of the school who worked at the school on of the date of enactment of that Act by applying those rates to each contract renewal such that the reduction takes effect in three equal installments. Where adoption of such rates lead to an increase in the payment of compensation from that which was in effect for the fiscal year following the date of enactment of the Student Results Act of 1999, the school board may make such rates applicable at the next contract renewal such that either—

''(I) the increase occurs in its entirety; or

''(II) the increase is applied in 3 equal installments.

''(ii) The establishment of rates of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not preclude the use of regulations and procedures used by the Bureau prior to April 28, 1988, in making determinations regarding promotions and advancements through levels of pay that are based on

the merit, education, experience, or tenure of the educator.

''(D) The establishment of rates of basic compensation and annual salary rates under subparagraphs (B) and (C) shall not affect the continued employment or compensation of an educator who was employed in an education position on October 31, 1979, and who did not make an election under subsection (p) is in effect on January 1, 1990.

''(2) POST-DIFFERENTIAL RATES.—(A) The Secretary may pay a post-differential rate not to exceed 25 percent of the rate of basic compensation, on the basis of conditions of environment or work which warrant additional pay as a recruitment and retention incentive.

''(B)(i) Upon the request of the supervisor and the local school board of a Bureau school, the Secretary shall grant the supervisor of the school authorization to provide 1 or more post-differentials under subparagraph (A) unless the Secretary determines for clear and convincing reasons (and advises the board in writing of those reasons) that certain of the requested post-differentials should be disapproved or decreased because there is no disparity of compensation for the involved employees or positions in the Bureau school, as compared with the nearest public school, that is either—

''(I) at least 5 percent, or

''(II) less than 5 percent and affects the recruitment or retention of employees at the school.

''(ii) A request under clause (i) shall be deemed granted at the end of the 60th day after the request is received in the Central Office of the Bureau unless before that time the request is approved, approved with modification, or disapproved by the Secretary.

''(iii) The Secretary or the supervisor of a Bureau school may discontinue or decrease a post-differential authorized under this subparagraph at the beginning of a school year if—

''(I) the local school board requests that such differential be discontinued or decreased; or

''(II) the Secretary or the supervisor determines for clear and convincing reasons (and advises the board in writing of those reasons) that there is no disparity of compensation that would affect the recruitment or retention of employees at the school after the differential is discontinued or decreased.

''(iv) On or before February 1 of each year, the Secretary shall submit to Congress a report describing the requests and grants of authority under this subparagraph during the previous year and listing the positions contracted under those grants of authority.

''(h) LIQUIDATION OF REMAINING LEAVE UPON TERMINATION.—Upon termination of employment with the Bureau, any annual leave remaining to the credit of an individual within the purview of this section shall be liquidated in accordance with sections 5551(a) and 6306 of title 5, United States Code, except that leave earned or accrued under regulations prescribed pursuant to subsection (b)(10) of this section shall not be so liquidated.

''(i) TRANSFER OF REMAINING SICK LEAVE UPON TRANSFER, PROMOTION, OR REEMPLOYMENT.—In the case of any educator who is transferred, promoted, or reappointed, without break in service, to a position in the Federal Government under a different leave system, any remaining leave to the credit of such person earned or credited under the regulations prescribed pursuant to subsection (b)(10) shall be transferred to such person's credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Office of Personnel Management.

''(j) INELIGIBILITY FOR EMPLOYMENT OF VOLUNTARILY TERMINATED EDUCATORS.—An educator who voluntarily terminates employment with the Bureau before the expiration of the existing employment contract between such educator and the Bureau shall not be eligible to be employed in another education position in the Bureau during the remainder of the term of such contract.

''(k) DUAL COMPENSATION.—In the case of any educator employed in an education position described in subsection (l)(1)(A) who—

''(1) is employed at the close of a school year,

''(2) agrees in writing to serve in such position for the next school year, and

''(3) is employed in another position during the recess period immediately preceding such next school year, or during such recess period receives additional compensation referred to in section 5533 of title 5, United States Code, relating to dual compensation,

shall not apply to such educator by reason of any such employment during a recess period for any receipt of additional compensation.

''(l) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary may, subject to the approval of the local school board concerned, accept voluntary services on behalf of Bureau schools. Nothing in this title shall be construed to require Federal employees to work without compensation or to allow the use of volunteer services to displace or replace Federal employees. An individual providing volunteer services under this section is a Federal employee only for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

''(m) PRORATION OF PAY.—

''(1) ELECTION OF EMPLOYEE.—Notwithstanding any other provision of law, including laws relating to dual compensation, the Secretary, at the election of the employee, shall prorate the salary of an employee employed in an education position for the academic school year over the entire 12-month period. Each educator employed for the academic school year shall annually elect to be paid on a 12-month basis or for those months while school is in session. No educator shall suffer a loss of pay or benefits, including benefits under unemployment or other Federal or federally assisted programs, because of such election.

''(2) CHANGE OF ELECTION.—During the course of such year the employee may change election once.

''(3) LUMP SUM PAYMENT.—That portion of the employee's pay which would be paid between academic school years may be paid in a lump sum at the election of the employee.

''(4) DEFINITIONS.——For purposes of this subsection, the terms 'educator' and 'education position' have the meanings contained in paragraphs (1) and (2) of subsection (o). This subsection applies to those individuals employed under the provisions of section 1132 of this title or title 5, United States Code.

''(n) EXTRACURRICULAR ACTIVITIES.—

''(1) STIPEND.—Notwithstanding any other provision of law, the Secretary may provide, for each Bureau area, a stipend in lieu of overtime premium pay or compensatory time off. Any employee of the Bureau who performs additional activities to provide services to students or otherwise support the school's academic and social programs may elect to be compensated for all such work on the basis of the stipend. Such stipend shall be paid as a supplement to the employee's base pay.

''(2) ELECTION NOT TO RECEIVE STIPEND.—If an employee elects not to be compensated through the stipend established by this subsection, the appropriate provisions of title 5, United States Code, shall apply.

''(3) APPLICABILITY OF SUBSECTION.—This subsection applies to all Bureau employees, whether employed under section 1132 of this title or title 5, United States Code.

''(o) DEFINITIONS.—For the purpose of this section—

''(1) EDUCATION POSITION.—The term 'education position' means a position in the Bureau the duties and responsibilities of which—

''(A) are performed on a school-year basis principally in a Bureau school and involve—

''(i) classroom or other instruction or the supervision or direction of classroom or other instruction;

''(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education;

''(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity; or

''(iv) support services at, or associated with, the site of the school; or

''(B) are performed at the agency level of the Bureau and involve the implementation of education-related programs other than the position for agency superintendent for education.

''(2) EDUCATOR.—The term 'educator' means an individual whose services are required, or who is employed, in an education position.

''(p) COVERED INDIVIDUALS; ELECTION.—This section shall apply with respect to any educator hired after November 1, 1979 (and to any educator who elected for coverage under that provision after November 1, 1979) and to the position in which such individual is employed. The enactment of this section shall not affect the continued employment of an individual employed on October 31, 1979 in an education position, or such person's right to receive the compensation attached to such position.

''SEC. 1133. COMPUTERIZED MANAGEMENT INFORMATION SYSTEM.

''(a) ESTABLISHMENT OF SYSTEM.—Not later than July 1, 2001, the Secretary shall establish within the Office, a computerized management information system, which shall provide processing and information to the Office. The information provided shall include information regarding—

''(1) student enrollment;

''(2) curriculum;

''(3) staffing;

''(4) facilities;

''(5) community demographics;

''(6) student assessment information;

''(7) information on the administrative and program costs attributable to each Bureau program, divided into discreet elements;

''(8) relevant reports;

''(9) personnel records;

''(10) finance and payroll; and

''(11) such other items as the Secretary deems appropriate.

''(b) IMPLEMENTATION OF SYSTEM.—Not later than July 1, 2002, the Secretary shall complete implementation of such a system at each field office and Bureau funded school.

''SEC. 1134. UNIFORM EDUCATION PROCEDURES AND PRACTICES.

''The Secretary shall cause the various divisions of the Bureau to formulate uniform procedures and practices with respect to such concerns of those divisions as relate to education, and shall report such practices and procedures to the Congress.

''SEC. 1135. RECRUITMENT OF INDIAN EDUCATORS.

''The Secretary shall institute a policy for the recruitment of qualified Indian educators and a detailed plan to promote employees from within the Bureau. Such plan shall include opportunities for acquiring work experience prior to actual work assignment.

"SEC. 1136. BIENNIAL REPORT; AUDITS.

''(a) BIENNIAL REPORTS.—The Secretary shall submit to each appropriate committee of Congress, all Bureau funded schools, and the tribal governing bodies of such schools, a detailed biennial report on the state of education within the Bureau and any problems encountered in Indian education during the 2-year period covered by the report. Such report shall contain suggestions for the improvement of the Bureau educational system and for increasing tribal or local Indian control of such system. Such report shall also include the current status of tribally controlled community colleges. The annual budget submission for the Bureau's education programs shall include—

''(1) information on the funds provided to previously private schools under section 208 of the Indian Self-Determination and Education Assistance Act, and recommendations with respect to the future use of such funds;

''(2) the needs and costs of operations and maintenance of tribally controlled community colleges eligible for assistance under the Tribally Controlled Community College Assistance Act of 1978 and recommendations with respect to meeting such needs and costs; and

''(3) the plans required by sections 1121 (g), 1122(c), and 1125(b).

''(b) FINANCIAL AND COMPLIANCE AUDITS.—The Inspector General of the Department of the Interior shall establish a system to ensure that financial and compliance audits are conducted of each Bureau operated school at least once in every 3 years. Audits of Bureau schools shall be based upon the extent to which such school has complied with its local financial plan under section 1130.

"SEC. 1137. RIGHTS OF INDIAN STUDENTS.

''The Secretary shall prescribe such rules and regulations as are necessary to ensure the constitutional and civil rights of Indian students attending Bureau funded schools, including such students' right to privacy under the laws of the United States, such students' right to freedom of religion and expression, and such students' right to due process in connection with disciplinary actions, suspensions, and expulsions.

"SEC. 1138. REGULATIONS.

''(a) IN GENERAL.—The Secretary is authorized to issue only such regulations as are necessary to ensure compliance with the specific provision of this Act. The Secretary shall publish proposed regulations in the Federal Register, shall provide a period of not less than 90 days for public comment thereon, and shall place in parentheses after each regulatory section the citation to any statutory provision providing authority to promulgate such regulatory provision.

''(b) MISCELLANEOUS.—

''(1) CONSTRUCTION.—The provisions of this Act shall supersede any conflicting provisions of law (including any conflicting regulations) in effect on the day before the date of enactment of this Act and the Secretary is authorized to repeal any regulation inconsistent with the provisions of this Act.

''(2) GENERAL APPLICABILITY OF CERTAIN RULES; LEGAL AUTHORITY TO BE STATED.—Regulations required to be adopted under sections 2006 through 2018 and any revisions of the standards developed under section 2001 or 2002 shall be deemed rules of general applicability prescribed for the administrations of an applicable program for the purposes of section 437 of the Elementary and Secondary Education Amendments of 1967 and shall be promulgated, submitted for congressional review, and take effect in accordance with the provisions of such section. Such regulations shall contain, immediately following each substantive provision of such regulations, citations to the particular section or sections of statutory law or other legal authority upon which provision is based.

"SEC. 1138A. REGIONAL MEETINGS AND NEGOTIATED RULEMAKING.

''(a) MEETINGS.—

''(1) IN GENERAL.—The Secretary shall obtain tribal involvement in the development of proposed regulations under this part and the Tribally Controlled Schools Act of 1988. The Secretary shall obtain the advice of and recommendations from representatives of Indian tribes with Bureau-funded schools on their reservations, Indian tribes whose children attend Bureau funded off-reservation boarding schools, school boards, administrators or employees of Bureau-funded schools, and parents and teachers of students enrolled in Bureau-funded schools.

''(2) ISSUES.—The Secretary shall provide for a comprehensive discussion and exchange of information concerning the implementation of this part and the Tribally Controlled Schools Act of 1988 through such mechanisms as regional meetings and electronic exchanges of information. The Secretary shall take into account the information received through such mechanisms in the development of proposed regulations and shall publish a summary of such information in the Federal Register together with such proposed regulations.

''(b) DRAFT REGULATIONS.—

''(1) IN GENERAL.—After obtaining the advice and recommendations described in subsection (a)(1) and before publishing proposed regulations in the Federal Register, the Secretary shall prepare draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 and shall submit such regulations to a negotiated rulemaking process. Participants in the negotiations process shall be chosen by the Secretary from individuals nominated by the entities described in subsection (a)(1). To the maximum extent possible, the Secretary shall ensure that the tribal representative membership chosen pursuant to the preceding sentence reflects the proportionate share of students from tribes served by the Bureau-funded school system. The negotiation process shall be conducted in a timely manner in order that the final regulations may issued by the Secretary no later than 18 months after enactment of this section, provided that the authority of the Secretary to promulgate regulations under this part and the Tribally Controlled Schools Act of 1988 shall expire if final regulations are not promulgated within the time stated in this sentence. If the Secretary determines that an extension of the deadline in the preceding sentence is necessary, the Secretary may submit proposed legislation to Congress for extension of such deadline.

''(2) EXPANSION OF NEGOTIATED RULEMAKING.—All regulations pertaining to this part and the Tribally Controlled Schools Act of 1988 that are promulgated after the date of enactment of this subsection shall be subject to a negotiated rulemaking (including the selection of the regulations to be negotiated), unless the Secretary determines that applying such a requirement with respect to given regulations is impracticable, unnecessary, or contrary to the public interest (within the meaning of section 553(b)(3)(B) of title 5), and publishes the basis for such determination in the Federal Register at the same time as the proposed regulations in question are first published. All published proposed regulations shall conform to agreements resulting from such negotiated rulemaking unless the Secretary reopens the negotiated rulemaking process or provides a written explanation to the participants in that process why the Secretary has decided to depart from such agreements. Such negotiated rulemaking shall be conducted in accordance with the provisions of subsection (a), and the Secretary shall ensure that a clear and reliable record of agreements reached during the negotiation process is maintained.

''(c) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall apply to activities carried out under this section.

"SEC. 1139. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

''(a) IN GENERAL.—The Secretary shall provide grants to tribes, tribal organizations, and consortia of tribes and tribal organizations to fund early childhood development programs that are operated by such tribes, organizations, or consortia.

''(b) AMOUNT OF GRANTS.—

''(1) IN GENERAL.—The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to the amount which bears the same relationship to the total amount appropriated under the authority of subsection (g) for such fiscal year (less amounts provided under subsection (f)) as—

''(A) the total number of children under 6 years of age who are members of—

''(i) such tribe;

''(ii) the tribe that authorized such tribal organization; or

''(iii) any tribe that—

''(I) is a member of such consortium; or

''(II) authorizes any tribal organization that is a member of such consortium; bears to

''(B) the total number of all children under 6 years of age who are members of any tribe that—

''(i) is eligible to receive funds under subsection (a);

''(ii) is a member of a consortium that is eligible to receive such funds; or

''(iii) authorizes a tribal organization that is eligible to receive such funds.

''(2) LIMITATION.—No grant may be provided under subsection (a)—

''(A) to any tribe that has less than 500 members;

''(B) to any tribal organization which is authorized—

''(i) by only 1 tribe that has less than 500 members; or

''(ii) by 1 or more tribes that have a combined total membership of less than 500 members; or

''(C) to any consortium composed of tribes, or tribal organizations authorized by tribes, that have a combined total tribal membership of less than 500 members.

''(c) APPLICATION.

''(1) IN GENERAL.—A grant may be provided under subsection (a) to a tribe, tribal organization, or consortia of tribes and tribal organizations only if the tribe, organization, or consortia submits to the Secretary an application for the grant at such time and in such form as the Secretary shall prescribe.

''(2) CONTENTS.—Applications submitted under paragraph (1) shall set forth the early childhood development program that the applicant desires to operate.

''(d) REQUIREMENT OF PROGRAMS FUNDED.—The early childhood development programs that are funded by grants provided under subsection (a)—

''(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

''(A) prenatal care;

''(B) nutrition education;

''(C) health education and screening;

''(D) family literacy services;

''(E) educational testing; and

''(F) other educational services;

''(2) may include instruction in the language, art, and culture of the tribe; and

''(3) shall provide for periodic assessment of the program.

''(e) COORDINATION OF FAMILY LITERACY PROGRAMS.—Family literacy programs operated under this section or other similar programs operated by the Bureau shall coordinate with family literacy programs for Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving Indians.

''(f) ADMINISTRATIVE COSTS.—The Secretary shall, out of funds appropriated under subsection (g), include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe, tribal organization, or consortium of tribes in establishing and maintaining the early childhood development program.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $10,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001, 2002, 2003, and 2004.

''SEC. 1140. TRIBAL DEPARTMENTS OR DIVISIONS OF EDUCATION.

''(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide grants and technical assistance to tribes for the development and operation of tribal departments of education for the purpose of planning and coordinating all educational programs of the tribe.

''(b) GRANTS.—Grants provided under this section shall—

''(1) be based on applications from the governing body of the tribe;

''(2) reflect factors such as geographic and population diversity;

''(3) facilitate tribal control in all matters relating to the education of Indian children on Indian reservations (and on former Indian reservations in Oklahoma);

''(4) provide for the development of coordinated educational programs on Indian reservations (and on former Indian reservations in Oklahoma) (including all preschool, elementary, secondary, and higher or vocational educational programs funded by tribal, Federal, or other sources) by encouraging tribal administrative support of all Bureau funded educational programs as well as encouraging tribal cooperation and coordination with all educational programs receiving financial support from State agencies, other Federal agencies, or private entities;

''(5) provide for the development and enforcement of tribal educational codes, including tribal educational policies and tribal standards applicable to curriculum, personnel, students, facilities, and support programs; and

''(6) otherwise comply with regulations for grants under section 103(a) of the Indian Self-Determination and Educational Assistance Act that are in effect on the date that application for such grants are made.

''(c) PRIORITIES.—

''(1) IN GENERAL.—In making grants under this section, the Secretary shall give priority to any application that—

''(A) includes assurances from the majority of Bureau funded schools located within the boundaries of the reservation of the applicant that the tribal department of education to be funded under this section will provide coordinating services and technical assistance to all of such schools, including the submission to each applicable agency of a unified application for funding for all of such schools which provides that—

''(i) no administrative costs other than those attributable to the individual programs of such schools will be associated with the unified application; and

''(ii) the distribution of all funds received under the unified application will be equal to the amount of funds provided by the applicable agency to which each of such schools is entitled under law;

''(B) includes assurances from the tribal governing body that the tribal department of education funded under this section will administer all contracts or grants (except those covered by the other provisions of this title and the Tribally Controlled Community College Assistance Act of 1978) for education programs administered by the tribe and will coordinate all of the programs to the greatest extent possible;

''(C) includes assurances for the monitoring and auditing by or through the tribal department of education of all education programs for which funds are provided by contract or grant to ensure that the programs meet the requirements of law; and

''(D) provides a plan and schedule for—

''(i) the assumption over the term of the grant by the tribal department of education of all assets and functions of the Bureau agency office associated with the tribe, insofar as those responsibilities relate to education; and

''(ii) the termination by the Bureau of such operations and office at the time of such assumption;

except that when mutually agreeable between the tribal governing body and the Assistant Secretary, the period in which such assumption is to occur may be modified, reduced, or extended after the initial year of the grant.

''(2) TIME PERIOD OF GRANT.—Subject to the availability of appropriated funds, grants provided under this section shall be provided for a period of 3 years and the grant may, if performance by the grantee is satisfactory to the Secretary, be renewed for additional 3-year terms.

''(d) TERMS, CONDITIONS, OR REQUIREMENTS.—The Secretary shall not impose any terms, conditions, or requirements on the provision of grants under this section that are not specified in this section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $2,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001, 2002, 2003, and 2004.

''SEC. 1141. DEFINITIONS.

''For the purposes of this part, unless otherwise specified:

''(1) AGENCY SCHOOL BOARD.—The term 'agency school board' means a body, the members of which are appointed by all of the school boards of the schools located within an agency, including schools operated under contract or grant, and the number of such members shall be determined by the Secretary in consultation with the affected tribes, except that, in agencies serving a single school, the school board of such school shall fulfill these duties, and in agencies having schools or a school operated under contract or grant, one such member at least shall be from such a school.

''(2) BUREAU.—The term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior.

''(3) BUREAU FUNDED SCHOOL.—The term 'Bureau funded school' means—

''(A) a Bureau school;

''(B) a contract or grant school; or

''(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988.

''(4) BUREAU SCHOOL.—The term 'Bureau school' means a Bureau operated elementary or secondary day or boarding school or a Bureau operated dormitory for students attending a school other than a Bureau school.

''(5) CONTRACT OR GRANT SCHOOL.—The term 'contract or grant school' means an elementary or secondary school or dormitory which receives financial assistance for its operation under a contract, grant or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act, or under the Tribally Controlled Schools Act of 1988.

''(6) EDUCATION LINE OFFICER.—The term 'education line officer' means education personnel under the supervision of the Director, whether located in the central, area, or agency offices.

''(7) FINANCIAL PLAN.—The term 'financial plan' means a plan of services provided by each Bureau school.

''(8) INDIAN ORGANIZATION.—the term 'Indian organization' means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized tribes.

''(9) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education.

''(10) LOCAL SCHOOL BOARD.—The term 'local school board', when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected, and the number of such members shall be determined by the Secretary in consultation with the affected tribes.

''(11) OFFICE.—The term 'Office' means the Office of Indian Education Programs within the Bureau.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(13) SUPERVISOR.—The term 'supervisor' means the individual in the position of ultimate authority at a Bureau school.

''(14) TRIBAL GOVERNING BODY.—The term 'tribal governing body' means, with respect to any school, the tribal governing body, or tribal governing bodies, that represent at least 90 percent of the students served by such school.

''(15) TRIBE.—The term 'tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''.

Subtitle C—Tribally Controlled Schools Act of 1988

SEC. 420. TRIBALLY CONTROLLED SCHOOLS.

Sections 5202 through 5212 of Public Law 100–297 (25 U.S.C. 2501 et seq.) are amended to read as follows:

''SEC. 5202. FINDINGS.

''Congress, after careful review of the Federal Government's historical and special legal relationship with, and resulting responsibilities to, Indians, finds that—

''(1) the Indian Self-Determination and Education Assistance Act, which was a product of the legitimate aspirations and a recognition of the inherent authority of Indian nations, was and is a crucial positive step towards tribal and community control;

''(2) the Bureau of Indian Affairs' administration and domination of the contracting process under such Act has not provided the full opportunity to develop leadership skills crucial to the realization of self-government and has denied Indians an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities;

''(3) Indians will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations, and persons;

''(4) true self-determination in any society of people is dependent upon an educational process which will ensure the development of qualified people to fulfill meaningful leadership roles;

''(5) the Federal administration of education for Indian children has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction that education can and should provide;

''(6) true local control requires the least possible Federal interference; and

''(7) the time has come to enhance the concepts made manifest in the Indian Self-Determination and Education Assistance Act.

''SEC. 5203. DECLARATION OF POLICY.

''(a) RECOGNITION.—Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.

''(b) COMMITMENT.—Congress declares its commitment to the maintenance of the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will deter further perpetuation of Federal bureaucratic domination of programs.

''(c) NATIONAL GOAL.—Congress declares that a major national goal of the United States is to provide the resources, processes, and structure which will enable tribes and local communities to effect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice and to achieve the measure of self-determination essential to their social and economic well-being.

''(d) EDUCATIONAL NEEDS.—Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities. These may best be met through a grant process.

''(e) FEDERAL RELATIONS.—Congress declares its commitment to these policies and its support, to the full extent of its responsibility, for Federal relations with the Indian Nations.

''(f) TERMINATION.—Congress hereby repudiates and rejects House Resolution 108 of the 83d Congress and any policy of unilateral termination of Federal relations with any Indian Nation.

''SEC. 5204. GRANTS AUTHORIZED.

''(a) IN GENERAL.—

''(1) ELIGIBILITY.—The Secretary shall provide grants to Indian tribes, and tribal organizations that—

''(A) operate contract schools under title XI of the Education Amendments of 1978 and notify the Secretary of their election to operate the schools with assistance under this part rather than continuing as contract school;

''(B) operate other tribally controlled schools eligible for assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants; or

''(C) elect to assume operation of Bureau funded schools with the assistance under this part and submit applications (which are approved by their tribal governing bodies) to the Secretary for such grants.

''(2) DEPOSIT OF FUNDS.—Grants provided under this part shall be deposited into the general operating fund of the tribally controlled school with respect to which the grant is made.

''(3) USE OF FUNDS.—(A) Except as otherwise provided in this paragraph, grants provided under this part shall be used to defray, at the discretion of the school board of the tribally controlled school with respect to which the grant is provided, any expenditures for education related activities for which any funds that compose the grant may be used under the laws described in section 5205(a), including, but not limited to, expenditures for—

''(i) school operations, academic, educational, residential, guidance and counseling, and administrative purposes; and

''(ii) support services for the school, including transportation.

''(B) Grants provided under this part may, at the discretion of the school board of the tribally controlled school with respect to which such grant is provided, be used to defray operations and maintenance expenditures for the school if any funds for the operation and maintenance of the school are allocated to the school under the provisions of any of the laws described in section 5205(a).

''(b) LIMITATIONS.—

''(1) 1 GRANT PER TRIBE OR ORGANIZATION PER FISCAL YEAR.—Not more than 1 grant may be provided under this part with respect to any Indian tribe or tribal organization for any fiscal year.

''(2) NONSECTARIAN USE.—Funds provided under any grant made under this part may not be used in connection with religious worship or sectarian instruction.

''(3) ADMINISTRATIVE COSTS LIMITATION.—Funds provided under any grant under this part may not be expended for administrative costs (as defined in section 1128(h)(1) of the Education Amendments of 1978) in excess of the amount generated for such costs under section 1128 of such Act.

''(c) LIMITATION ON TRANSFER OF FUNDS AMONG SCHOOLSITES.—

''(1) IN GENERAL.—In the case of a grantee that operates schools at more than one schoolsite, the grantee may expend not more than the lesser of—

''(A) 10 percent of the funds allocated for such schoolsite under section 1128 of the Education Amendments of 1978; or

''(B) $400,000 of such funds, at any other schoolsite.

''(2) DEFINITION OF SCHOOLSITE.—For purposes of this subsection, the term 'schoolsite' means the physical location and the facilities of an elementary or secondary educational or residential program operated by, or under contract or grant with, the Bureau for which a discreet student count is identified under the funding formula established under section 1127 of the Education Amendments of 1978.

''(d) NO REQUIREMENT TO ACCEPT GRANTS.—Nothing in this part may be construed—

''(1) to require a tribe or tribal organization to apply for or accept; or

''(2) to allow any person to coerce any tribe or tribal organization to apply for, or accept,

a grant under this part to plan, conduct, and administer all of, or any portion of, any Bureau program. Such applications and the timing of such applications shall be strictly voluntary. Nothing in this part may be construed as allowing or requiring any grant with any entity other than the entity to which the grant is provided.

''(e) NO EFFECT ON FEDERAL RESPONSIBILITY.—Grants provided under this part shall not terminate, modify, suspend, or reduce the responsibility of the Federal Government to provide a program.

''(f) RETROCESSION.—

''(1) IN GENERAL.—Whenever a tribal governing body requests retrocession of any program for which assistance is provided under this part, such retrocession shall become effective upon a date specified by the Secretary that is not later than 120 days after the date on which the tribal governing body requests the retrocession. A later date as may be specified if mutually agreed upon by the Secretary and the tribal governing body. If such a program is retroceded, the Secretary shall provide to any Indian tribe served by such program at least the same quantity and quality of services that would have been provided under such program at the level of funding provided under this part prior to the retrocession.

''(2) STATUS AFTER RETROCESSION.—The tribe requesting retrocession shall specify whether the retrocession is to status as a Bureau operated school or as a school operated under contract under title XI of the Education Amendments of 1978.

''(3) TRANSFER OF EQUIPMENT AND MATERIALS.—Except as otherwise determined by the Secretary, the tribe or tribal organization operating the program to be retroceded must transfer to the Secretary (or to the tribe or tribal organization which will operate the program as a contract school) the existing equipment and materials which were acquired—

''(A) with assistance under this part; or

''(B) upon assumption of operation of the program under this part if the school was a Bureau funded school under title XI of the Education Amendments of 1978 before receiving assistance under this part.

''(g) PROHIBITION OF TERMINATION FOR ADMINISTRATIVE CONVENIENCE.—Grants provided under this part may not be terminated, modified, suspended, or reduced solely for the convenience of the administering agency.

''SEC. 5205. COMPOSITION OF GRANTS.

''(a) IN GENERAL.—The grant provided under this part to an Indian tribe or tribal organization for any fiscal year shall consist of—

''(1) the total amount of funds allocated for such fiscal year under sections 1127 and 1128 of the Education Amendments of 1978 with respect to the tribally controlled schools eligible for assistance under this part which are operated by such Indian tribe or tribal organization, including, but not limited to, funds provided under such sections, or under any other provision of law, for transportation costs;

''(2) to the extent requested by such Indian tribe or tribal organization, the total amount of funds provided from operations and maintenance accounts and, notwithstanding section 105 of the Indian Self-Determination Act, or any other provision of law, other facilities accounts for such schools for such fiscal year (including but not limited to those referenced under section 1126(d) of the Education Amendments of 1978 or any other law); and

''(3) the total amount of funds that are allocated to such schools for such fiscal year under—

''(A) title I of the Elementary and Secondary Education Act of 1965;

''(B) the Individuals with Disabilities Education Act; and

''(C) any other Federal education law, that are allocated to such schools for such fiscal year.

''(b) SPECIAL RULES.—

''(1) IN GENERAL.—(A) Funds allocated to a tribally controlled school by reason of paragraph (1) or (2) of subsection (a) shall be subject to the provisions of this part and shall not be subject to any additional restriction, priority, or

limitation that is imposed by the Bureau with respect to funds provided under—

''(i) title I of the Elementary and Secondary Education Act of 1965;

''(ii) the Individuals with Disabilities Education Act; or

''(iii) any Federal education law other than title XI of the Education Amendments of 1978.

''(B) Indian tribes and tribal organizations to which grants are provided under this part, and tribally controlled schools for which such grants are provided, shall not be subject to any requirements, obligations, restrictions, or limitations imposed by the Bureau that would otherwise apply solely by reason of the receipt of funds provided under any law referred to in clause (i), (ii) or (iii) of subparagraph (A).

''(2) SCHOOLS CONSIDERED CONTRACT SCHOOLS.—Tribally controlled schools for which grants are provided under this part shall be treated as contract schools for the purposes of allocation of funds under sections 1126(d), 1127, and 1128 of the Education Amendments of 1978.

''(3) SCHOOLS CONSIDERED BUREAU SCHOOLS.—Tribally controlled schools for which grants are provided under this chapter shall be treated as Bureau schools for the purposes of allocation of funds provided under—

''(A) title I of the Elementary and Secondary Education Act of 1965;

''(B) the Individuals with Disabilities Education Act; and

''(C) any other Federal education law, that are distributed through the Bureau.

''(4) ACCOUNTS; USE OF CERTAIN FUNDS.—(A) Notwithstanding section 5204(a)(2), with respect to funds from facilities improvement and repair, alteration and renovation (major or minor), health and safety, or new construction accounts included in the grant under section 5204(a), the grantee shall maintain a separate account for such funds. At the end of the period designated for the work covered by the funds received, the grantee shall submit to the Secretary a separate accounting of the work done and the funds expended to the Secretary. Funds received from these accounts may only be used for the purpose for which they were appropriated and for the work encompassed by the application or submission under which they were received.

''(B) Notwithstanding subparagraph (A), a school receiving a grant under this part for facilities improvement and repair may use such grant funds for new construction if the tribal government or other organization provides funding for the new construction equal to at least 25 percent of the total cost of such new construction.

''(C) Where the appropriations measure or the application submission does not stipulate a period for the work covered by the funds so designated, the Secretary and the grantee shall consult and determine such a period prior to the transfer of the funds. A period so determined may be extended upon mutual agreement of the Secretary and the grantee.

''(5) ENFORCEMENT OF REQUEST TO INCLUDE FUNDS.—If the Secretary fails to carry out a request made under subsection (a)(2) within 180 days of a request filed by an Indian tribe or tribal organization to include in such tribe or organization's grant the funds described in subsection (a)(2), the Secretary shall be deemed to have approved such request and the Secretary shall immediately amend the grant accordingly. Such tribe or organization may enforce its rights under subsection (a)(2) and this paragraph, including any denial or failure to act on such tribe or organization's request, pursuant to the disputes authority described in section 5209(e).

''SEC. 5206. ELIGIBILITY FOR GRANTS.

''(a) RULES.—

''(1) IN GENERAL.—A tribally controlled school is eligible for assistance under this part if the school—

''(A) on April 28, 1988, was a contract school under title XI of the Education Amendments of 1978 and the tribe or tribal organization operating the school submits to the Secretary a written notice of election to receive a grant under this part;

''(B) was a Bureau operated school under title XI of the Education Amendments of 1978 and has met the requirements of subsection (b);

''(C) is a school for which the Bureau has not provided funds, but which has met the requirements of subsection (c); or

''(D) is a school with respect to which an election has been made under paragraph (2) and which has met the requirements of subsection (b).

''(2) NEW SCHOOLS.—Any application which has been submitted under the Indian Self-Determination and Education Assistance Act by an Indian tribe for a school which is not in operation on the date of enactment of the Student Results Act of 1999 shall be reviewed under the guidelines and regulations for applications submitted under the Indian Self-Determination and Education Assistance Act that were in effect at the time the application was submitted, unless the Indian tribe or tribal organization elects to have the application reviewed under the provisions of subsection (b).

''(b) ADDITIONAL REQUIREMENTS FOR BUREAU FUNDED SCHOOLS AND CERTAIN ELECTING SCHOOLS.—

''(1) BUREAU FUNDED SCHOOLS.—A school that was a Bureau funded school under title XI of the Education Amendments of 1978 on the date of enactment of the Student Results Act of 1999, and any school with respect to which an election is made under subsection (a)(2), meets the requirements of this subsection if—

''(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting that the Secretary—

''(i) transfer operation of the school to the Indian tribe or tribal organization, if the Indian tribe or tribal organization is not already operating the school; and

''(ii) make a determination as to whether the school is eligible for assistance under this part; and

''(B) the Secretary makes a determination that the school is eligible for assistance under this part.

''(2) CERTAIN ELECTING SCHOOLS.—(A) By not later than the date that is 120 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine—

''(i) in the case of a school which is not being operated by the Indian tribe or tribal organization, whether to transfer operation of the school to the Indian tribe or tribal organization; and

''(ii) whether the school is eligible for assistance under this part.

''(B) In considering applications submitted under paragraph (1)(A), the Secretary—

''(i) shall transfer operation of the school to the Indian tribe or tribal organization, if the tribe or tribal organization is not already operating the school; and

''(ii) shall determine that the school is eligible for assistance under this part, unless the Secretary finds by clear and convincing evidence that the services to be provided by the Indian tribe or tribal organization will be deleterious to the welfare of the Indians served by the school.

''(C) In considering applications submitted under paragraph (1)(A), the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in operating the school with respect to—

''(i) equipment;

''(ii) bookkeeping and accounting procedures;

''(iii) ability to adequately manage a school; or

''(iv) adequately trained personnel.

''(c) ADDITIONAL REQUIREMENTS FOR A SCHOOL WHICH IS NOT A BUREAU FUNDED SCHOOL.—

''(1) IN GENERAL.—A school which is not a Bureau funded school under title XI of the Education Amendments of 1978 meets the requirements of this subsection if—

''(A) the Indian tribe or tribal organization that operates, or desires to operate, the school submits to the Secretary an application requesting a determination by the Secretary as to whether the school is eligible for assistance under this part; and

''(B) the Secretary makes a determination that a school is eligible for assistance under this part.

''(2) DEADLINE FOR DETERMINATION BY SECRETARY.—(A) By not later than the date that is 180 days after the date on which an application is submitted to the Secretary under paragraph (1)(A), the Secretary shall determine whether the school is eligible for assistance under this part.

''(B) In making the determination under subparagraph (A), the Secretary shall give equal consideration to each of the following factors:

''(i) with respect to the applicant's proposal—

''(I) the adequacy of facilities or the potential to obtain or provide adequate facilities;

''(II) geographic and demographic factors in the affected areas;

''(III) adequacy of the applicant's program plans;

''(IV) geographic proximity of comparable public education; and

''(V) the needs as expressed by all affected parties, including but not limited to students, families, tribal governments at both the central and local levels, and school organizations; and

''(ii) with respect to all education services already available—

''(I) geographic and demographic factors in the affected areas;

''(II) adequacy and comparability of programs already available;

''(III) consistency of available programs with tribal education codes or tribal legislation on education; and

''(IV) the history and success of these services for the proposed population to be served, as determined from all factors including, if relevant, standardized examination performance.

''(C) The Secretary may not make a determination under this paragraph that is primarily based upon the geographic proximity of comparable public education.

''(D) Applications submitted under paragraph (1)(A) shall include information on the factors described in subparagraph (B)(i), but the applicant may also provide the Secretary such information relative to the factors described in subparagraph (B)(ii) as the applicant considers appropriate.

''(E) If the Secretary fails to make a determination under subparagraph (A) with respect to an application within 180 days after the date on which the Secretary received the application, the Secretary shall be treated as having made a determination that the tribally controlled school is eligible for assistance under the title and the grant shall become effective 18 months after the date on which the Secretary received the application, or on an earlier date, at the Secretary's discretion.

''(d) FILING OF APPLICATIONS AND REPORTS.—

''(1) IN GENERAL.—All applications and reports submitted to the Secretary under this part, and any amendments to such applications or reports, shall be filed with the education line officer designated by the Director of the Office of Indian Education Programs of the Bureau of Indian Affairs. The date on which such filing occurs shall, for purposes of this part, be treated

as the date on which the application or amendment was submitted to the Secretary.

''(2) SUPPORTING DOCUMENTATION.—Any application that is submitted under this chapter shall be accompanied by a document indicating the action taken by the tribal governing body in authorizing such application.

''(e) EFFECTIVE DATE FOR APPROVED APPLICATIONS.—Except as provided by subsection (c)(2)(E), a grant provided under this part, and any transfer of the operation of a Bureau school made under subsection (b), shall become effective beginning the academic year succeeding the fiscal year in which the application for the grant or transfer is made, or at an earlier date determined by the Secretary.

''(f) DENIAL OF APPLICATIONS.—

''(1) IN GENERAL.—Whenever the Secretary refuses to approve a grant under this chapter, to transfer operation of a Bureau school under subsection (b), or determines that a school is not eligible for assistance under this part, the Secretary shall—

''(A) state the objections in writing to the tribe or tribal organization within the allotted time;

''(B) provide assistance to the tribe or tribal organization to overcome all stated objections.

''(C) at the request of the tribe or tribal organization, provide the tribe or tribal organization a hearing on the record under the same rules and regulations that apply under the Indian Self-Determination and Education Assistance Act; and

''(D) provide an opportunity to appeal the objection raised.

''(2) TIMELINE FOR RECONSIDERATION OF AMENDED APPLICATIONS.—The Secretary shall reconsider any amended application submitted under this part within 60 days after the amended application is submitted to the Secretary.

''(g) REPORT.—The Bureau shall submit an annual report to the Congress on all applications received, and actions taken (including the costs associated with such actions), under this section at the same time that the President is required to submit to Congress the budget under section 1105 of title 31.

''SEC. 5207. DURATION OF ELIGIBILITY DETERMINATION.

''(a) IN GENERAL.—If the Secretary determines that a tribally controlled school is eligible for assistance under this part, the eligibility determination shall remain in effect until the determination is revoked by the Secretary, and the requirements of subsection (b) or (c) of section 5206, if applicable, shall be considered to have been met with respect to such school until the eligibility determination is revoked by the Secretary.

''(b) ANNUAL REPORTS.—

''(1) IN GENERAL.—Each recipient of a grant provided under this part shall complete an annual report which shall be limited to—

''(A) an annual financial statement reporting revenue and expenditures as defined by the cost accounting established by the grantee;

''(B) an annual financial audit conducted pursuant to the standards of the Single Audit Act of 1984;

''(C) an annual submission to the Secretary of the number of students served and a brief description of programs offered under the grant; and

''(D) a program evaluation conducted by an impartial evaluation review team, to be based on the standards established for purposes of subsection (c)(1)(A)(ii).

''(2) EVALUATION REVIEW TEAMS.—Where appropriate, other tribally controlled schools and representatives of tribally controlled community colleges shall make up members of the evaluation review teams.

''(3) EVALUATIONS.—In the case of a school which is accredited, evaluations will be conducted at intervals under the terms of accreditation.

''(4) SUBMISSION OF REPORT.—

''(A) TO TRIBALLY GOVERNING BODY.—Upon completion of the report required under paragraph (a), the recipient of the grant shall send (via first class mail, return receipt requested) a copy of such annual report to the tribal governing body (as defined in section 1132(f) of the Education Amendments of 1978) of the tribally controlled school.

''(B) TO SECRETARY.—Not later than 30 days after receiving written confirmation that the tribal governing body has received the report send pursuant to subsection (A), the recipient of the grant shall send a copy of the report to the Secretary.

''(c) REVOCATION OF ELIGIBILITY.—

''(1) IN GENERAL.—(A) The Secretary shall not revoke a determination that a school is eligible for assistance under this part if—

''(i) the Indian tribe or tribal organization submits the reports required under subsection (b) with respect to the school; and

''(ii) at least one of the following subclauses applies with respect to the school:

''(I) The school is certified or accredited by a State or regional accrediting association or is a candidate in good standing for such accreditation under the rules of the State or regional accrediting association, showing that credits achieved by the students within the education programs are, or will be, accepted at grade level by a State certified or regionally accredited institution.

''(II) A determination made by the Secretary that there is a reasonable expectation that the accreditation described in subclause (I), or the candidacy in good standing for such accreditation, will be reached by the school within 3 years and that the program offered by the school is beneficial to the Indian students.

''(III) The school is accredited by a tribal department of education if such accreditation is accepted by a generally recognized regional or State accreditation agency.

''(IV) The schools accept the standards promulgated under section 1121 of the Education Amendments of 1978 and an evaluation of performance is conducted under this section in conformance with the regulations pertaining to Bureau operated schools by an impartial evaluator chosen by the grantee, but no grantee shall be required to comply with these standards to a higher degree than a comparable Bureau operated school.

''(V) A positive evaluation of the school is conducted by an impartial evaluator agreed upon by the Secretary and the grantee every 2 years under standards adopted by the contractor under a contract for a school entered into under the Indian Self-Determination and Education Assistance Act (or revisions of such standards agreed to by the Secretary and the grantee) prior to the date of enactment of this Act. If the Secretary and the grantee other than the tribal governing body fail to agree on such an evaluator, the tribal governing body shall choose the evaluator or perform the evaluation. If the Secretary and a grantee which is the tribal governing body fail to agree on such an evaluator, this subclause shall not apply.

''(B) The choice of standards employed for the purpose of subparagraph (A)(ii) shall be consistent with section 1121(e) of the Education Amendments of 1978.

''(2) NOTICE REQUIREMENTS FOR REVOCATION.—The Secretary shall not revoke a determination that a school is eligible for assistance under this part, or reassume control of a school that was a Bureau school prior to approval of an application submitted under section 5206(b)(1)(A) until the Secretary—

''(A) provides notice to the tribally controlled school and the tribal governing body (within the meaning of section 1141(14) of the Education Amendments of 1978) of the tribally controlled school which states—

''(i) the specific deficiencies that led to the revocation or resumption determination; and

''(ii) the actions that are needed to remedy such deficiencies; and

''(B) affords such authority an opportunity to effect the remedial actions.

''(3) TECHNICAL ASSISTANCE.—The Secretary shall provide such technical assistance as is practicable to effect such remedial actions. Such notice and technical assistance shall be in addition to a hearing and appeal to be conducted pursuant to the regulations described in section 5206(f)(1)(C).

''(d) APPLICABILITY OF SECTION PURSUANT TO ELECTION UNDER SECTION 5209(b).—With respect to a tribally controlled school which receives assistance under this part pursuant to an election made under section 5209(b)—

''(1) subsection (b) of this section shall apply; and

''(2) the Secretary may not revoke eligibility for assistance under this part except in conformance with subsection (c) of this section.

''SEC. 5208. PAYMENT OF GRANTS; INVESTMENT OF FUNDS.

''(a) PAYMENTS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall make payments to grantees under this part in 2 payments, of which—

''(A) the first payment shall be made not later than July 15 of each year in an amount equal to 85 percent of the amount which the grantee was entitled to receive during the preceding academic year; and;

''(B) the second payment, consisting of the remainder to which the grantee is entitled for the academic year, shall be made not later than December 1 of each year.

''(2) NEWLY FUNDED SCHOOLS.—For any school for which no payment under this part was made from Bureau funds in the preceding academic year, full payment of the amount computed for the first academic year of eligibility under this part shall be made not later than December 1 of the academic year.

''(3) LATE FUNDING.—With regard to funds for grantees that become available for obligation on October 1 of the fiscal year for which such funds are appropriated, the Secretary shall make payments to grantees not later than December 1 of the fiscal year.

''(4) APPLICABILITY OF CERTAIN TITLE 31 PROVISIONS.—The provisions of chapter 39 of Title 31, United States Code, shall apply to the payments required to be made by paragraphs (1), (2), and (3).

''(5) RESTRICTIONS.—Paragraphs (1), (2), and (3) shall be subject to any restriction on amounts of payments under this part that are imposed by a continuing resolution or other Act appropriating the funds involved.

''(b) INVESTMENT OF FUNDS.—

''(1) TREATMENT OF INTEREST AND INVESTMENT INCOME.—Notwithstanding any other provision of law, any interest or investment income that accrues to any funds provided under this part after such funds are paid to the Indian tribe or tribal organization and before such funds are expended for the purpose for which such funds were provided under this part shall be the property of the Indian tribe or tribal organization and shall not be taken into account by any officer or employee of the Federal Government in determining whether to provide assistance, or the amount of assistance, under any provision of Federal law. Such interest income shall be spent on behalf of the school.

''(2) PERMISSIBLE INVESTMENTS.—Funds provided under this part may be invested by the Indian tribe or tribal organization before such

funds are expended for the purposes of this part so long as such funds are—

''(A) invested by the Indian tribe or tribal organization only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States, or securities that are guaranteed or insured by the United States; or

''(B) deposited only into accounts that are insure by and agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

''(c) RECOVERIES.—For the purposes of underrecovery and overrecovery determinations by any Federal agency for any other funds, from whatever source derived, funds received under this part shall not be taken into consideration.

''SEC. 5209. APPLICATION WITH RESPECT TO INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

''(a) CERTAIN PROVISIONS TO APPLY TO GRANTS.—The following provisions of the Indian Self-Determination and Education Assistance Act (and any subsequent revisions thereto or renumbering thereof), shall apply to grants provided under this part:

''(1) Section 5(f) (relating to single agency audit).

''(2) Section 6 (relating to criminal activities; penalties).

''(3) Section 7 (relating to wage and labor standards).

''(4) Section 104 (relating to retention of Federal employee coverage).

''(5) Section 105(f) (relating to Federal property).

''(6) Section 105(k) (relating to access to Federal sources of supply).

''(7) Section 105(l) (relating to lease of facility used for administration and delivery of services).

''(8) Section 106(f) (relating to limitation on remedies relating to cost allowances).

''(9) Section 106(j) (relating to use of funds for matching or cost participation requirements).

''(10) Section 106(k) (relating to allowable uses of funds).

''(11) Section 108(c) (Model Agreements provisions (1)(a)(5) (relating to limitations of costs), (1)(a)(7) (relating to records and monitoring), (1)(a)(8) (relating to property), and (a)(1)(9) (relating to availability of funds).

''(12) Section 109 (relating to reassumption).

''(13) Section 111 (relating to sovereign immunity and trusteeship rights unaffected).

''(b) ELECTION FOR GRANT IN LIEU OF CONTRACT.—

''(1) IN GENERAL.—Contractors for activities to which this part applies who have entered into a contract under the Indian Self-Determination and Education Assistance Act that is in effect upon the date of enactment of the Student Results Act of 1999 may, by giving notice to the Secretary, elect to have the provisions of this part apply to such activity in lieu of such contract.

''(2) EFFECTIVE DATE OF ELECTION.—Any election made under paragraph (1) shall take effect on the later of—

''(A) October 1 of the fiscal year succeeding the fiscal year in which such election is made; or

''(B) 60 days after the date of such election.

''(3) EXCEPTION.—In any case in which the 60-day period referred to in paragraph (2)(B) is less than 60 days before the beginning of the succeeding fiscal year, such election shall not take effect until the fiscal year after the fiscal year succeeding the election.

''(c) NO DUPLICATION.—No funds may be provided under any contract entered into under the Indian Self-Determination and Education Assistance Act to pay any expenses incurred in providing any program or services if a grant has been made under this part to pay such expenses.

''(d) TRANSFERS AND CARRYOVERS.—

''(1) BUILDINGS, EQUIPMENT, SUPPLIES, MATERIALS.—A tribe or tribal organization assuming the operation of—

''(A) a Bureau school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies, and materials to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act; or

''(B) a contract school with assistance under this part shall be entitled to the transfer or use of buildings, equipment, supplies and materials that were used in the operation of the contract school to the same extent as if it were contracting under the Indian Self-Determination and Education Assistance Act

''(2) FUNDS.—Any tribe or tribal organization which assumes operation of a Bureau school with assistance under this part and any tribe or tribal organization which elects to operate a school with assistance under this part rather that to continue as a contract school shall be entitled to any funds which would carryover from the previous fiscal year as if such school were operated as a contract school.

''(e) EXCEPTIONS, PROBLEMS, AND DISPUTES.—Any exception or problem cited in an audit conducted pursuant to section 5207(b)(2), any dispute regarding a grant authorized to be made pursuant to this part or any amendment to such grant, and any dispute involving an administrative cost grant under section 1128 of the Education Amendments of 1978 shall be administered under the provisions governing such exceptions, problems, or disputes in the case of contracts under the Indian Self-Determination and Education Assistance Act of 1975. The Equal Access to Justice Act shall apply to administrative appeals filed after September 8, 1988, by grantees regarding a grant under this part, including an administrative cost grant.

''SEC. 5210. ROLE OF THE DIRECTOR.

''Applications for grants under this part, and all application modifications, shall be reviewed and approved by personnel under the direction and control of the Director of the Office of Indian Education Programs. Required reports shall be submitted to education personnel under the direction and control of the Director of such Office.

''SEC. 5211. REGULATIONS.

''The Secretary is authorized to issue regulations relating to the discharge of duties specifically assigned to the Secretary by this part. In all other matters relating to the details of planning, development, implementing, and evaluating grants under this part, the Secretary shall not issue regulations. Regulations issued pursuant to this part shall not have the standing of a Federal statute for the purposes of judicial review.

''SEC. 5212. THE TRIBALLY CONTROLLED GRANT SCHOOL ENDOWMENT PROGRAM.

''(a) IN GENERAL.—

''(1) Each school receiving grants under this part may establish, at a Federally insured banking and savings institution, a trust fund for the purposes of this section.

''(2) The school may provide—

''(A) for the deposit into the trust fund, only funds from non-Federal sources, except that the interest on funds received from grants under this part may be used for this purpose;

''(B) for the deposit in the account of any earnings on funds deposited in the account; and

''(C) for the sole use of the school any noncash, in-kind contributions of real or personal property, such property may at any time be converted to cash.

''(b) INTEREST.—Interest from the fund established under subsection (a) may periodically be withdrawn and used, at the discretion of the school, to defray any expenses associated with the operation of the school.

''SEC. 5213. DEFINITIONS.

''For the purposes of this part:

''(1) BUREAU.—The term 'Bureau' means the Bureau of Indian Affairs of the Department of the Interior.

''(2) ELIGIBLE INDIAN STUDENT.—The term 'eligible Indian student' has the meaning of such term in section 1127(f) of the Education Amendments of 1978.

''(3) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including Alaska Native Village or regional corporations (as defined in or established pursuant to the Alaskan Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(4) LOCAL EDUCATIONAL AGENCY.—The term a 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''(6) TRIBAL ORGANIZATION.—(A) The term 'tribal organization' means—

''(i) the recognized governing body of any Indian tribe; or

''(ii) any legally established organization of Indians which—

''(I) is controlled, sanctioned, or chartered by such governing body or is democratically elected by the adult members of the Indian community to be served by such organization; and

''(II) includes the maximum participation of Indians in all phases of its activities.

''(B) In any case in which a grant is provided under this part to an organization to provide services benefiting more than one Indian tribe, the approval of the governing bodies of Indian tribes representing 80 percent of those students attending the tribally controlled school shall be considered a sufficient tribal authorization for such grant.

''(7) TRIBALLY CONTROLLED SCHOOL.—The term 'tribally controlled school' means a school operated by a tribe or a tribal organization, enrolling students in kindergarten through grade 12, including preschools, which is not a local educational agency and which is not directly administered by the Bureau of Indian Affairs.''.

TITLE V—GIFTED AND TALENTED CHILDREN

SEC. 501. AMENDMENT TO ESEA RELATING TO GIFTED AND TALENTED CHILDREN.

Part B of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8031 et seq.) is amended to read as follows:

''PART B—GIFTED AND TALENTED CHILDREN

''SEC. 10201. SHORT TITLE.

''This part may be cited as the 'Jacob K. Javits Gifted and Talented Students Education Act of 1999'.

''SEC. 10202. FINDINGS.

''The Congress finds the following:

''(1) While the families or communities of some gifted students can provide private programs

with appropriately trained staff to supplement public educational offerings, most high-ability students, especially those from inner cities, rural communities, or low-income families, must rely on the services and personnel provided by public schools. Therefore, gifted education programs, provided by qualified professionals in the public schools, are needed to provide equal educational opportunities.

''(2) Due to the wide dispersal of students who are gifted and talented and the national interest in a well-educated populace, the Federal Government can most effectively and appropriately conduct scientifically based research and development to provide an infrastructure and to ensure that there is a national capacity to educate students who are gifted and talented to meet the needs of the 21st century.

''(3) State and local educational agencies often lack the specialized resources and trained personnel to consistently plan and implement effective programs for the identification of gifted and talented students and for the provision of educational services and programs appropriate for their needs.

''(4) Because gifted and talented students generally are more advanced academically, are able to learn more quickly, and study in more depth and complexity than others their age, their educational needs require opportunities and experiences that are different from those generally available in regular education programs.

''(5) Typical elementary school students who are academically gifted and talented already have mastered 35 to 50 percent of the school year's content in several subject areas before the year begins. Without an advanced and challenging curriculum, they often lose their motivation and develop poor study habits that are difficult to break.

''(6) Elementary and secondary teachers have students in their classrooms with a wide variety of traits, characteristics, and needs. Most teachers receive some training to meet the needs of these students, such as students with limited English proficiency, students with disabilities, and students from diverse cultural and racial backgrounds. However, most teachers do not receive training on meeting the needs of students who are gifted and talented.

''SEC. 10203. CONDITIONS ON EFFECTIVENESS OF SUBPARTS 1 AND 2.

''(a) SUBPART 1.—Subpart 1 shall be in effect only for a fiscal year for which subpart 2 is not in effect.

''(b) SUBPART 2.—

''(1) IN GENERAL.—Subpart 2 shall be in effect only for—

''(A) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds $50,000,000; and

''(B) all succeeding fiscal years.

''(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this part, a State receiving a grant under subpart 2—

''(A) shall give special consideration to a request for the continuation of an award within the State, made by any public or private agency, institution, or organization that was awarded a grant or contract under subpart 1 for a fiscal year for which such subpart was in effect; and

''(B) may use funds received under such grant for the purpose of permitting the agency, institution, or organization to continue to receive funds in accordance with the terms of such award until the date on which the award period terminates under such terms.

''Subpart 1—Discretionary Grant Program

''SEC. 10211. PURPOSE.

''The purpose of this subpart is to initiate a coordinated program of scientifically based research, demonstration projects, innovative strategies, and similar activities designed to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students.

''SEC. 10212. GRANTS TO MEET EDUCATIONAL NEEDS OF GIFTED AND TALENTED STUDENTS.

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—Subject to section 10203, from the sums available to carry out this subpart in any fiscal year, the Secretary (after consultation with experts in the field of the education of gifted and talented students) shall make grants to, or enter into contracts with, State educational agencies, local educational agencies, institutions of higher education, other public agencies, and other private agencies and organizations (including Indian tribes and Indian organizations (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) and Native Hawaiian organizations) to assist such agencies, institutions, and organizations in carrying out programs or projects authorized by this subpart that are designed to meet the educational needs of gifted and talented students, including the training of personnel in the education of gifted and talented students and in the use, where appropriate, of gifted and talented services, materials, and methods for all students.

''(2) APPLICATION.—Each entity desiring assistance under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall describe how—

''(A) the proposed gifted and talented services, materials, and methods can be adapted, if appropriate, for use by all students; and

''(B) the proposed programs can be evaluated.

''(b) USES OF FUNDS.—Programs and projects assisted under this subpart may include the following:

''(1) Carrying out—

''(A) scientifically based research on methods and techniques for identifying and teaching gifted and talented students, and for using gifted and talented programs and methods to serve all students; and

''(B) program evaluations, surveys, and the collection, analysis, and development of information needed to accomplish the purpose of this subpart.

''(2) Professional development (including fellowships) for personnel (including leadership personnel) involved in the education of gifted and talented students.

''(3) Establishment and operation of model projects and exemplary programs for serving gifted and talented students, including innovative methods for identifying and educating students who may not be served by traditional gifted and talented programs, including summer programs, mentoring programs, service learning programs, and cooperative programs involving business, industry, and education.

''(4) Implementing innovative strategies, such as cooperative learning, peer tutoring and service learning.

''(5) Programs of technical assistance and information dissemination, including assistance and information with respect to how gifted and talented programs and methods, where appropriate, may be adapted for use by all students.

''(c) COORDINATION.—Scientifically based research activities supported under this subpart—

''(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by such Office; and

''(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such Office.

''SEC. 10213. PROGRAM PRIORITIES.

''(a) GENERAL PRIORITY.—In the administration of this subpart, the Secretary shall give highest priority to programs and projects designed to develop new information that—

''(1) improves the capability of schools to plan, conduct, and improve programs to identify and serve gifted and talented students; and

''(2) assists schools in the identification of, and provision of services to, gifted and talented students who may not be identified and served through traditional assessment methods (including economically disadvantaged individuals, individuals of limited English proficiency, and individuals with disabilities).

''(b) SERVICE PRIORITY.—In approving applications for assistance under section 10212(a)(2), the Secretary shall ensure that in each fiscal year at least ½ of the applications approved under such section address the priority described in subsection (a)(2).

''(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES FOR AUTHORIZED ACTIVITIES.—

''(1) IN GENERAL.—For fiscal year 2001 and succeeding fiscal years, the Secretary shall ensure that a percentage of the excess amount described in paragraph (2) is used to increase (in proportion to any increases in such excess amounts) the number and size of the grants under this subpart to State educational agencies to begin implementing activities described in section 10222(b) through competitive subgrants to local educational agencies.

''(2) EXCESS AMOUNT.—For purposes of paragraph (1), the excess amount described in this paragraph is, for fiscal year 2001 and succeeding fiscal years, the amount (if any) by which the funds appropriated to carry out this subpart for the year exceed such funds for fiscal year 2000.

''SEC. 10214. GENERAL PROVISIONS FOR SUBPART.

''(a) REVIEW, DISSEMINATION, AND EVALUATION.—The Secretary—

''(1) shall use a peer review process in reviewing applications under this subpart;

''(2) shall ensure that information on the activities and results of programs and projects funded under this subpart is disseminated to appropriate State and local educational agencies and other appropriate organizations, including nonprofit private organizations; and

''(3) shall evaluate the effectiveness of programs under this subpart in accordance with section 14701, both in terms of the impact on students traditionally served in separate gifted and talented programs and on other students, and submit the results of such evaluation to the Congress not later than 2 years after the date of the enactment of the Student Results Act of 1999.

''(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the programs under this subpart are administered within the Department by a person who has recognized professional qualifications and experience in the field of the education of gifted and talented students and who—

''(1) shall administer and coordinate the programs authorized under this subpart;

''(2) shall serve as a focal point of national leadership and information on the educational needs of gifted and talented students and the availability of educational services and programs designed to meet such needs; and

''(3) shall assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities which reflect the needs of gifted and talented students.

''Subpart 2—Formula Grant Program

''SEC. 10221. PURPOSE.

''The purpose of this subpart is to provide grants to States to support programs, teacher preparation, and other services designed to meet the needs of the Nation's gifted and talented students in elementary and secondary schools.

"SEC. 10222. ESTABLISHMENT OF PROGRAM; USE OF FUNDS.

"(a) IN GENERAL.—In the case of each State that in accordance with section 10224 submits to the Secretary an application for a fiscal year, subject to section 10203, the Secretary shall make a grant for the year to the State for the uses specified in subsection (b). The grant shall consist of the allotment determined for the State under section 10223.

"(b) AUTHORIZED ACTIVITIES.—Each State receiving a grant under this subpart shall use the funds provided under the grant to assist local educational agencies to develop or expand gifted and talented education programs through one or more of the following activities:

"(1) Development and implementation of programs to address State and local needs for inservice training programs for general educators, specialists in gifted and talented education, administrators, or other personnel at the elementary and secondary levels.

"(2) Making materials and services available through State regional educational service centers, institutions of higher education, or other entities.

"(3) Supporting innovative approaches and curricula used by local educational agencies (or consortia of such agencies) or schools or (consortia of schools).

"(4) Providing funds for challenging, high-level course work, disseminated through new and emerging technologies (including distance learning), for individual students or groups of students in schools and local educational agencies that do not have the resources otherwise to provide such course work.

"(c) COMPETITIVE PROCESS.—A State receiving a grant under this subpart shall distribute at least 95 percent of the amount of the grant to local educational agencies through a competitive process that results in an equitable distribution by geographic area within the State.

"(d) LIMITATIONS ON USE OF FUNDS.—

"(1) COURSE WORK PROVIDED THROUGH EMERGING TECHNOLOGIES.—Activities under subsection (b)(4) may include development of curriculum packages, compensation of distance-learning educators, or other relevant activities, but funds provided under this subpart may not be used for the purchase or upgrading of technological hardware.

"(2) ADMINISTRATIVE COSTS.—A State receiving a grant under this subpart may use not more than 5 percent of the amount of the grant for State administrative costs.

"SEC. 10223. ALLOTMENTS TO STATES.

"(a) RESERVATION OF FUNDS.—From the amount made available to carry out this subpart for any fiscal year, the Secretary shall reserve ½ of 1 percent for the Secretary of the Interior for programs under this subpart for teachers, other staff, and administrators in schools operated or funded by the Bureau of Indian Affairs.

"(b) STATE ALLOTMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall allot the total amount made available to carry out this subpart for any fiscal year and not reserved under subsection (a) to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico on the basis of their relative populations of individuals aged 5 through 17, as determined by the Secretary on the basis of the most recent satisfactory data.

"(2) MINIMUM GRANT AMOUNT.—No State receiving an allotment under paragraph (1) may receive less than ¼ of 1 percent of the total amount allotted under such paragraph.

"(c) REALLOTMENT.—If any State does not apply for an allotment under this section for any fiscal year, the Secretary shall reallot such amount to the remaining States in accordance with this section.

"SEC. 10224. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant under this subpart, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application under this section shall include assurances that—

"(1) funds received under this subpart will be used to support gifted and talented students in public schools and public charter schools, including students from all economic, ethnic, and racial backgrounds, students of limited English proficiency, students with disabilities, and highly gifted students;

"(2) not less than 95 percent of the amount of the funds provided under the grant shall be used for the purpose of making, in accordance with this subpart and on a competitive basis, subgrants to local educational agencies;

"(3) funds received under this subpart shall be used only to supplement, but not supplant, the amount of State and local funds expended for specialized education and related services provided for the education of gifted and talented students; and

"(4) the State shall develop procedures to evaluate program effectiveness.

"(c) APPROVAL.—To the extent funds are made available for this subpart, the Secretary shall approve an application of a State if such application meets the requirements of this section.

"SEC. 10225. ANNUAL REPORTING.

"Beginning 1 year after the date of the enactment of the Student Results Act of 1999, a State receiving a grant under this subpart shall submit an annual report to the Secretary that describes the number of students served and the activities supported with funds provided under this subpart. The report shall include a description of the measures taken to comply with paragraphs (1) and (4) of section 10224(b). To the extent practicable and otherwise authorized by law, this report shall be submitted as part of any consolidated State performance report for State formula grant programs under this Act.

"Subpart 3—National Center for Research and Development in the Education of Gifted and Talented Children and Youth

"SEC. 10231. CENTER FOR RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—The Secretary (after consultation with experts in the field of the education of gifted and talented students) shall establish a National Center for Research and Development in the Education of Gifted and Talented Children and Youth through grants to or contracts with one or more institutions of higher education or State educational agencies, or a combination or consortium of such institutions and agencies and other public or private agencies and organizations, for the purpose of carrying out activities described in section 10212(b)(1).

"(b) DIRECTOR.—Such National Center shall have a Director. The Secretary may authorize the Director to carry out such functions of the National Center as may be agreed upon through arrangements with institutions of higher education, State or local educational agencies, or other public or private agencies and organizations.

"(c) COORDINATION.—Scientifically based research activities supported under this subpart—

"(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by such Office; and

"(2) may include collaborative scientifically based research activities which are jointly funded and carried out with such Office.

"Subpart 4—General Provisions

"SEC. 10241. CONSTRUCTION.

"Nothing in this part shall be construed to prohibit a recipient of funds under this part from serving gifted and talented students simultaneously with students with similar educational needs, in the same educational settings where appropriate.

"SEC. 10242. PARTICIPATION OF PRIVATE SCHOOL CHILDREN AND TEACHERS.

"In making grants and entering into contracts under this part, the Secretary shall ensure, where appropriate, that provision is made for the equitable participation of students and teachers in private nonprofit elementary and secondary schools, including the participation of teachers and other personnel in professional development programs serving such children.

"SEC. 10243. DEFINITIONS.

"For purposes of this part:

"(1) The term 'scientifically based research'—

"(A) means the application of rigorous, systematic, and objective procedures to obtain valid knowledge relevant to the education of gifted and talented children; and

"(B) shall include research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide valid data across evaluators and observers and across multiple measurements and observations; and

"(iv) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"(2) STATE.—The term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

"SEC. 10244. AUTHORIZATION OF APPROPRIATIONS.

"(a) SUBPART 1 OR 2.—Subject to section 10203, there are authorized to be appropriated $10,000,000 to carry out subpart 1 or 2 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2004.

"(c) SUBPART 3.—There are authorized to be appropriated to carry out subpart 3 $1,950,000 for each of fiscal years 2000 through 2004.".

TITLE VI—RURAL EDUCATION ASSISTANCE

SEC. 601. RURAL EDUCATION.

Part J of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8271 et seq.) is amended to read as follows:

"PART J—RURAL EDUCATION INITIATIVE

"SEC. 10951. SHORT TITLE.

"This part may be cited as the 'Rural Education Initiative Act of 1999'.

"SEC. 10952. FINDINGS.

"Congress finds the following:

"(1) The National Center for Educational Statistics reports that 46 percent of our Nation's public schools serve rural areas.

"(2) While there are rural education initiatives identified at the State and local level, no Federal education policy focuses on the specific and unique needs of rural school districts and schools.

"(3) Small school districts often cannot use Federal grant funds distributed by formula because the formula allocation does not provide enough revenue to carry out the program the grant is intended to fund.

"(4) Rural schools often cannot compete for Federal funding distributed by competitive grants because the schools lack the personnel needed to prepare grant applications and the resources to hire specialists in the writing of Federal grant proposals.

''(5) A critical problem for rural school districts involves the hiring and retention of qualified administrators and certified teachers (especially in reading, science, and mathematics). As a result, teachers in rural schools are almost twice as likely to provide instruction in 3 or more subject areas than teachers in urban schools. Rural schools also face other tough challenges, such as shrinking local tax bases, high transportation costs, aging buildings, limited course offerings, and limited resources.

''Subpart 1—Small and Rural School Program

''SEC. 10961. FORMULA GRANT PROGRAM AUTHORIZED.

''(a) ALTERNATIVE USES.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to support local or statewide education reform efforts intended to improve the academic achievement of elementary school and secondary school students and the quality of instruction provided for the students.

''(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1) not later than a date that is established by the State educational agency for the notification.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

''(A)(i) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

''(ii) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture; or

''(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

''(2) CERTIFICATION.—The Secretary shall determine whether or not to waive the criteria described in paragraph (1)(A)(ii) based on certification provided by the local educational agency, or the State educational agency on behalf of the local educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

''(c) APPLICABLE FUNDING.—In this section, the term 'applicable funding' means funds provided under each of titles II, IV, VI, parts A and C of title VII, and part I of title X.

''(d) DISBURSAL.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time that the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds used under this section shall be used to supplement and not supplant any other Federal, State, or local education funds that would otherwise be available for the purpose of this subpart.

''(f) SPECIAL RULE.—References in Federal law to funds for the provisions of law set forth in subsection (c) may be considered to be references to funds for this section.

''SEC. 10962. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to support local or statewide education reform efforts intended to improve the academic achievement of elementary school and secondary school students and the quality of instruction provided for the students.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—A local educational agency shall be eligible to receive a grant under this section if—

''(A)(i) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

''(ii) all of the schools served by the local educational agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture; or

''(B) the agency meets the criteria established in subparagraph (A)(i) and the Secretary, in accordance with paragraph (2), grants the local educational agency's request to waive the criteria described in subparagraph (A)(ii).

''(2) CERTIFICATION.—The Secretary shall determine whether or not to waive the criteria described in paragraph (1)(A)(ii) based on certification provided by the local educational agency, or the State educational agency on behalf of the local educational agency, that the local educational agency is located in an area defined as rural by a governmental agency of the State.

''(c) ALLOCATION.—

''(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall award a grant to an eligible local educational agency for a fiscal year in an amount equal to the initial amount determined under paragraph (2) for the fiscal year minus the total amount received under the provisions of law described under section 10961(c) for the preceding fiscal year.

''(2) DETERMINATION OF THE INITIAL AMOUNT.—The initial amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students, over 50 students, in average daily attendance in such eligible agency plus $20,000, except that the initial amount may not exceed $60,000.

''(3) RATABLE ADJUSTMENT.—

''(A) IN GENERAL.—If the amount made available for this subpart for any fiscal year is not sufficient to pay in full the amounts that local educational agencies are eligible to receive under paragraph (1) for such year, the Secretary shall ratably reduce such amounts for such year.

''(B) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subparagraph (A) shall be increased on the same basis as such payments were reduced.

''(5) CENSUS DETERMINATION.—

''(A) IN GENERAL.—Each local educational agency desiring a grant under this section shall conduct a census not later than December 1 of each year to determine the number of kindergarten through grade 12 students in average daily attendance at the schools served by the local educational agency.

''(B) SUBMISSION.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.

''(d) DISBURSAL.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that year.

''(e) SPECIAL RULE.—A local educational agency that is eligible to receive a grant under this subpart for a fiscal year shall be ineligible to receive funds for such fiscal year under subpart 2.

''(f) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other Federal, State or local education funds.

''SEC. 10963. ACCOUNTABILITY.

''(a) ACADEMIC ACHIEVEMENT.—

''(1) IN GENERAL.—Each local educational agency that uses or receives funds under section 10961 or 10962 for a fiscal year shall administer an assessment consistent with section 1111 of title I.

''(2) SPECIAL RULE.—Each local educational agency that uses or receives funds under section 10961 or 10962 shall use the same assessment described in paragraph (1) for each year of participation in the program under such section.

''(b) STATE EDUCATIONAL AGENCY DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 10961(c) shall—

''(1) after the 2d year that a local educational agency participates in a program under section 10961 or 10962 and on the basis of the results of the assessments described in subsection (a), determine whether the students served by the local educational agency participating in the program performed in accordance with section 1111 of title I; and

''(2) only permit those local educational agencies that so participated and met the requirements of section 1111(b)(2) of title I to continue to so participate.

''Subpart 2—Low-Income And Rural School Program

''SEC. 10971. PROGRAM AUTHORIZED.

''(a) RESERVATIONS.—From amounts appropriated under section 10982 for this subpart for a fiscal year, the Secretary shall reserve ½ of 1 percent to make awards to elementary or secondary schools operated or supported by the Bureau of Indian Affairs to carry out the purpose of this subpart.

''(b) GRANTS TO STATES.—

''(1) IN GENERAL.—From amounts appropriated under section 10982 for this subpart that are not reserved under subsection (a), the Secretary shall award grants for a fiscal year to State educational agencies that have applications approved under section 10973 to enable the State educational agencies to award subgrants to eligible local educational agencies for local authorized activities described in subsection (c)(2).

''(2) ALLOCATION.—From amounts appropriated for this subpart, the Secretary shall allocate to each State educational agency for a fiscal year an amount that bears the same ratio to the amount of funds appropriated under section 10982 for this subpart that are not reserved under subsection (a) as the number of students in average daily attendance served by eligible local educational agencies in the State bears to the number of all such students served by eligible local educational agencies in all States for that fiscal year.

''(3) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—

''(A) NONPARTICIPATING STATE.—If a State educational agency elects not to participate in the program under this subpart or does not have an application approved under section 10973 a specially qualified agency in such State desiring a grant under this subpart shall apply directly to the Secretary to receive an award under this subpart.

''(B) DIRECT AWARDS TO SPECIALLY QUALIFIED AGENCIES.—The Secretary may award, on a competitive basis, the amount the State educational agency is eligible to receive under paragraph (2) directly to specially qualified agencies in the State.

''(c) LOCAL AWARDS.—

''(1) ELIGIBILITY.—A local educational agency shall be eligible to receive funds under this subpart if—

''(A) 20 percent or more of the children aged 5 to 17, inclusive, served by the local educational agency are from families with incomes below the poverty line; and

''(B) all of the schools served by the agency are located in a community with a Rural-Urban Continuum Code of 6, 7, 8, or 9, as determined by the Secretary of Agriculture.

''(2) USES OF FUNDS.—Grant funds awarded to local educational agencies or made available to schools under this subpart shall be used for—

''(1) educational technology, including software and hardware;

''(2) professional development;

''(3) technical assistance;

''(4) teacher recruitment and retention;

''(5) parental involvement activities; or

''(6) academic enrichment programs.

''SEC. 10972. STATE DISTRIBUTION OF FUNDS.

''(a) AWARD BASIS.—A State educational agency shall award grants to eligible local educational agencies—

''(1) on a competitive basis; or

''(2) according to a formula based on the number of students in average daily attendance served by the eligible local educational agencies or schools (as appropriate) in the State, as determined by the State.

''(b) ADMINISTRATIVE COSTS.—A State educational agency receiving a grant under this subpart may not use more than 5 percent of the amount of the grant for State administrative costs.

''SEC. 10973. APPLICATIONS.

''Each State educational agency and specially qualified agency desiring to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall include specific measurable goals and objectives to be achieved which may include specific educational goals and objectives relating to increased student academic achievement, decreased student drop-out rates, or such other factors that the State educational agency or specially qualified agency may choose to measure.

''SEC. 10974. REPORTS.

''(a) STATE REPORTS.—Each State educational agency that receives a grant under this subpart shall provide an annual report to the Secretary. The report shall describe—

''(1) the method the State educational agency used to award grants to eligible local educational agencies and to provide assistance to schools under this subpart;

''(2) how local educational agencies and schools used funds provided under this subpart; and

''(3) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 10973.

''(b) SPECIALLY QUALIFIED AGENCY REPORT.—Each specially qualified agency that receives a grant under this subpart shall provide an annual report to the Secretary. Such report shall describe—

''(1) how such agency uses funds provided under this subpart; and

''(2) the degree to which progress has been made toward meeting the goals and objectives described in the application submitted under section 10971(b)(4)(A).

''(c) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the Committee on Education and the Workforce for the House of Representatives and the Committee on Health, Education, Labor, and Pensions for the Senate an annual report. The report shall describe—

''(1) the methods the State educational agency used to award grants to eligible local educational agencies and to provide assistance to schools under this subpart;

''(2) how eligible local educational agencies and schools used funds provided under this subpart; and

''(3) progress made in meeting specific measurable educational goals and objectives.

''SEC. 10975. DEFINITIONS.

''For the purposes of this subpart—

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

''(2) The term 'specially qualified agency' means an eligible local educational agency, located in a State that does not participate in a program under this subpart in a fiscal year, that may apply directly to the Secretary for a grant in such year in accordance with section 10971(b)(4).

''Subpart 3—General Provisions

''SEC. 10981. DEFINITION.

''For the purposes of this part, the term 'State' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 10982. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $125,000,000 for fiscal year 2000 and such sums as may be necessary for each of 4 succeeding fiscal years to be distributed equally between subparts 1 and 2.''.

TITLE VII—MCKINNEY HOMELESS EDUCATION IMPROVEMENTS ACT OF 1999

SEC. 701. SHORT TITLE.

This title may be cited as the ''Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999''.

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) An estimated 1,000,000 children in the United States will experience homelessness this year.

(2) Homelessness has a devastating impact on the educational opportunities of children and youth; homeless children go hungry at more than twice the rate of other children; have 4 times the rate of delayed development; and are twice as likely to repeat a grade.

(3) Despite steady progress in school enrollment and attendance resulting from the passage in 1987 of the Stewart B. McKinney Homeless Assistance Act, homeless students still face numerous barriers to education, including residency, guardianship and registration requirements, as well as delays in the transfer of school records, and inadequate transportation service.

(4) School is one of the few secure factors in the lives of homeless children and youth, providing stability, structure, and accomplishment during a time of great upheaval.

(5) Homeless children and youth need to remain in school so that they acquire the skills necessary to escape poverty and lead productive, healthy lives as adults.

(6) In the 12 years since the passage of the McKinney Act, educators and service providers have learned much about policies and practices which help remove the barriers described.

SEC. 703. PURPOSE.

The purpose of this title is to strengthen subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11431 et seq.) by amending it—

(1) to include innovative practices, proven to be effective in helping homeless children and youth enroll, attend, and succeed in school; and

(2) to help ensure that such individuals receive a quality education and secure their chance for a brighter future.

SEC. 704. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

Subtitle B of title VII of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11431 et seq.) is amended to read as follows:

''Subtitle B—Education for Homeless Children and Youth

''SEC. 721. STATEMENT OF POLICY.

''It is the policy of Congress that—

''(1) each State educational agency ensure that each child of a homeless individual and each homeless youth has equal access to the same free, public education, including a public preschool education, as provided to other children and youth;

''(2) in any State that has a compulsory residency requirement as a component of the State's compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youth, the State review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youth are afforded the same free, public education as provided to other children and youth;

''(3) homelessness alone is not sufficient reason to separate students from the mainstream school environment; and

''(4) homeless children and youth should have access to the education and other services that such children and youth need to ensure that such children and youth have an opportunity to meet the same challenging State student performance standards to which all students are held.

''SEC. 722. GRANTS FOR STATE AND LOCAL ACTIVITIES FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

''(a) GENERAL AUTHORITY.—The Secretary is authorized to make grants to States in accordance with the provisions of this section to enable such States to carry out the activities described in subsections (d), (e), (f), and (g).

''(b) APPLICATION.—No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(c) ALLOCATION AND RESERVATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2) and section 724(c), from the amounts appropriated for each fiscal year under section 726, the Secretary is authorized to allot to each State an amount that bears the same ratio to the amount appropriated for such year under section 726 as the amount allocated under section 1122 of the Elementary and Secondary Education Act of 1965 to the State for that year bears to the total amount allocated under section 1122 to all States for that year, except that no State shall receive less than $100,000.

''(2) RESERVATION.—(A) The Secretary is authorized to reserve 0.1 percent of the amount appropriated for each fiscal year under section 726 to be allocated by the Secretary among the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to their respective need for assistance under this subtitle, as determined by the Secretary.

''(B)(i) The Secretary shall transfer one percent of the amount appropriated for each fiscal year under section 726 to the Department of the Interior for programs for Indian students served by schools funded by the Secretary of the Interior, as determined under the Indian Self-Determination and Education Assistance Act, that are consistent with the purposes of this Act.

''(ii) The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of this part, for the distribution and use of the funds described in clause (i) under terms that the Secretary determines best meet the purposes of the programs described in such clause. Such agreement shall

set forth the plans of the Secretary of the Interior for the use of the amounts transferred, including appropriate goals, objectives, and milestones.

''(3) DEFINITION.—As used in this subsection, the term ''State'' shall not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(d) ACTIVITIES.—Grants under this section shall be used—

''(1) to carry out the policies set forth in section 721 in the State;

''(2) to provide activities for, and services to, homeless children, including preschool-aged homeless children, and youth that enable such children and youth to enroll in, attend, and succeed in school, or, if appropriate, in preschool programs;

''(3) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in the State educational agency in accordance with subsection (f);

''(4) to prepare and carry out the State plan described in subsection (g); and

''(5) to develop and implement professional development programs for school personnel to heighten their awareness of, and capacity to respond to, specific problems in the education of homeless children and youth.

''(e) STATE AND LOCAL GRANTS.—

''(1) IN GENERAL.—(A) Subject to subparagraph (B), if the amount allotted to the State educational agency for any fiscal year under this subtitle exceeds the amount such agency received for fiscal year 1990 under this subtitle, as the subtitle was then in effect, such agency shall provide grants to local educational agencies for purposes of section 723.

''(B) The State educational agency may reserve not more than the greater of 5 percent of the amount such agency receives under this subtitle for any fiscal year, or the amount such agency received under this subtitle, as the subtitle was then in effect, for fiscal year 1990, to conduct activities under subsection (f) directly or through grants or contracts.

''(2) SPECIAL RULE.—If the amount allotted to a State educational agency for any fiscal year under this subtitle is less than the amount such agency received for fiscal year 1990 under this subtitle, such agency, at such agency's discretion, may provide grants to local educational agencies in accordance with section 723 or may conduct activities under subsection (f) directly or through grants or contracts.

''(3) PROHIBITION ON SEGREGATING HOMELESS STUDENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and section 723(a)(2)(B)(ii), in providing a free, public education to a homeless child or youth, no State receiving funds under this subtitle shall segregate such child or youth, either in a separate school, or in a separate program within a school, based solely on such child or youth's status as homeless.

''(B) EXCEPTION.—A State that has established a separate school for homeless children in the fiscal year preceding the date of the enactment of the Stewart B. McKinney Homeless Education Assistance Improvement Act of 1999 shall remain eligible to receive funds under this subtitle for such program.

''(f) FUNCTIONS OF THE OFFICE OF COORDINATOR.—The Coordinator of Education of Homeless Children and Youth established in each State shall—

''(1) gather, to the extent possible, reliable, valid, and comprehensive information on the nature and extent of the problems homeless children and youth have in gaining access to public preschool programs and to public elementary and secondary schools, the difficulties in identifying the special needs of such children and youth, any progress made by the State educational agency and local educational agencies in the State in addressing such problems and difficulties, and the success of the program under this subtitle in allowing homeless children and youth to enroll in, attend, and succeed in, school;

''(2) develop and carry out the State plan described in subsection (g);

''(3) collect and transmit to the Secretary, information gathered pursuant to paragraphs (1) and (2), at such time and in such manner as the Secretary may require;

''(4) facilitate coordination between the State educational agency, the State social services agency, and other agencies providing services to homeless children and youth, including homeless children and youth who are preschool age, and families of such children and youth; and

''(5) in order to improve the provision of comprehensive education and related services to homeless children and youth and their families, coordinate and collaborate with—

''(A) educators, including child development and preschool program personnel;

''(B) providers of services to homeless and runaway children and youth and homeless families (including domestic violence agencies, shelter operators, transitional housing facilities, runaway and homeless youth centers, and transitional living programs for homeless youth);

''(C) local educational agency liaisons for homeless children and youth; and

''(D) community organizations and groups representing homeless children and youth and their families.

''(g) STATE PLAN.—

''(1) IN GENERAL.—Each State shall submit to the Secretary a plan to provide for the education of homeless children and youth within the State, which plan shall describe how such children and youth are or will be given the opportunity to meet the same challenging State student performance standards all students are expected to meet, shall describe the procedures the State educational agency will use to identify such children and youth in the State and to assess their special needs, and shall—

''(A) describe procedures for the prompt resolution of disputes regarding the educational placement of homeless children and youth;

''(B) describe programs for school personnel (including principals, attendance officers, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of runaway and homeless youth;

''(C) describe procedures that ensure that homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local food programs;

''(D) describe procedures that ensure that—

''(i) homeless children have equal access to the same public preschool programs, administered by the State agency, as provided to other children; and

''(ii) homeless children and youth who meet the relevant eligibility criteria are able to participate in Federal, State, or local before- and after-school care programs;

''(E) address problems set forth in the report provided to the Secretary under subsection (f)(3);

''(F) address other problems with respect to the education of homeless children and youth, including problems caused by—

''(i) transportation issues; and

''(ii) enrollment delays that are caused by—

''(I) immunization requirements;

''(II) residency requirements;

''(III) lack of birth certificates, school records, or other documentation; or

''(IV) guardianship issues;

''(G) demonstrate that the State educational agency and local educational agencies in the State have developed, and shall review and revise, policies to remove barriers to the enrollment and retention of homeless children and youth in schools in the State; and

''(H) contain assurances that—

''(i) except as provided in subsection (e)(3)(B), State and local educational agencies will adopt policies and practices to ensure that homeless children and youth are not segregated solely on the basis of their status as homeless; and

''(ii) designate an appropriate staff person, who may also be a coordinator for other Federal programs, as a liaison for homeless children and youth.

''(2) COMPLIANCE.—Each plan adopted under this subsection shall also demonstrate how the State will ensure that local educational agencies in the State will comply with the requirements of paragraphs (3) through (9).

''(3) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

''(A) IN GENERAL.—Each local educational agency serving a homeless child or youth assisted under this subtitle shall, according to the child's or youth's best interest, either—

''(i) continue the child's or youth's education in the school of origin—

''(I) for the duration of their homelessness;

''(II) if the child becomes permanently housed, for the remainder of the academic year; or

''(III) in any case in which a family becomes homeless between academic years, for the following academic year; or

''(ii) enroll the child or youth in any public school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.

''(B) BEST INTEREST.—In determining the best interest of the child or youth under subparagraph (A), the local educational agency shall keep, to the extent feasible, a homeless child or youth in the school of origin, except when doing so is contrary to the wishes of the child's or youth's parent or guardian.

''(C) ENROLLMENT.—(i) Except as provided in clause (iii), a school that a homeless child seeks to enroll in shall, in accordance with this paragraph, immediately enroll the homeless child or youth even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, proof of residency, or other documentation.

''(ii) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.

''(iii) A school described in clause (i) is not required to accept a homeless child until the school receives the immunization records for such child. If the child or youth needs to obtain immunizations, the enrolling school shall promptly refer parent or guardian of the child or youth to the appropriate authorities. If a child is denied enrollment because of the lack of immunization records, the school denying such enrollment shall refer the parents of the homeless child or youth to the liaison in accordance with subparagraph (E).

''(D) RECORDS.—Any record ordinarily kept by the school, including immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, of each homeless child or youth shall be maintained—

''(i) so that the records are available, in a timely fashion, when a child or youth enters a new school district; and

''(ii) in a manner consistent with section 444 of the General Education Provisions Act.

''(E) ENROLLMENT DISPUTES.—If there is a dispute over school selection or enrollment—

''(i) except as provided in subparagraph (C)(iii), the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

''(ii) the parent or guardian shall be provided with a written explanation of the school's decision regarding enrollment, including the right to appeal the decision; and

''(iii) the parent or guardian shall be referred to the liaison, who shall carry out the dispute resolution process as described in paragraph (6)(D) as expeditiously as possible, after receiving notice of the dispute.

''(F) PLACEMENT CHOICE.—The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or has been temporarily placed elsewhere by the parents.

''(G) DEFINITION.—For purposes of this paragraph, the term ''school of origin'' means the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

''(H) CONTACT INFORMATION.—Nothing in this subtitle shall prohibit a local educational agency from requiring a parent or guardian of a homeless child to submit contact information required by the local educational agency of a parent or guardian of a nonhomeless child.

''(4) COMPARABLE SERVICES.—Each homeless child or youth to be assisted under this subtitle shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including—

''(A) transportation services;

''(B) educational services for which the child or youth meets the eligibility criteria, such as services provided under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or similar State or local programs, educational programs for children with disabilities, and educational programs for students with limited-English proficiency;

''(C) programs in vocational and technical education;

''(D) programs for gifted and talented students; and

''(E) school nutrition programs.

''(5) COORDINATION.—

''(A) IN GENERAL.—Each local educational agency serving homeless children and youth that receives assistance under this subtitle shall coordinate the provision of services under this subtitle with local social services agencies and other agencies or programs providing services to homeless children and youth and their families, including services and programs funded under the Runaway and Homeless Youth Act. (42 U.S.C. 5701 et seq.).

''(B) HOUSING ASSISTANCE.—If applicable, each State and local educational agency that receives assistance under this subtitle shall coordinate with State and local housing agencies responsible for developing the comprehensive housing affordability strategy described in section 105 of the Cranston-Gonzales National Affordable Housing Act (42 U.S.C. 12705) to minimize educational disruption for children and youth who become homeless.

''(C) COORDINATION PURPOSE.—The coordination required under subparagraphs (A) and (B) shall be designed to—

''(i) ensure that homeless children and youth have access to available education and related support services; and

''(ii) raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homeless children and youth.

''(6) LIAISON.—

''(A) DUTIES.—Each local liaison for homeless children and youth, designated pursuant to subsection (g)(1)(H)(ii), shall ensure that—

''(i) homeless children and youth enroll in, and have an equal opportunity to succeed in, schools of that agency;

''(ii) homeless families, children, and youth receive educational services for which such families, children, and youth are eligible, including Head Start and Even Start programs and preschool programs administered by the local educational agency, and referrals to health care services, dental services, mental health services, and other appropriate services;

''(iii) the parents or guardians of homeless children and youth are informed of the education and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children; and

''(iv) public notice of the educational rights of homeless children and youth is disseminated where such children and youth receive services under this Act (such as family shelters and soup kitchens).

''(B) NOTICE.—State coordinators and local educational agencies shall inform school personnel, service providers, and advocates working with homeless families of the duties of the liaisons.

''(C) LOCAL AND STATE COORDINATION.—Local educational agency liaisons for homeless children and youth shall, as a part of their duties, coordinate and collaborate with State coordinators and community and school personnel responsible for the provision of education and related services to homeless children and youth.

''(D) DISPUTE RESOLUTION.—Unless another individual is designated by State law, the local educational agency liaisons for homeless children and youth shall provide resource information and assist in resolving disputes under this subtitle, should they arise.

''(7) REVIEW AND REVISIONS.—

''(A) IN GENERAL.—Each State educational agency and local educational agency that receives assistance under this subtitle, shall review and revise any policies that may act as barriers to the enrollment of homeless children and youth in schools selected in accordance with paragraph (3).

''(B) CONSIDERATION.—In reviewing and revising such policies, consideration shall be given to issues concerning transportation, immunization, residency, birth certificates, school records, and other documentation, and guardianship.

''(C) SPECIAL ATTENTION.—Special attention shall be given to ensuring the enrollment and attendance of homeless children and youth who are not currently attending school.

''SEC. 723. LOCAL EDUCATIONAL AGENCY GRANTS FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH.

''(a) GENERAL AUTHORITY.—

''(1) IN GENERAL.—The State educational agency shall, in accordance with section 722(e) and from amounts made available to such agency under section 726, make grants to local educational agencies for the purpose of facilitating the enrollment, attendance, and success in school of homeless children and youth.

''(2) SERVICES.—

''(A) IN GENERAL.—Services under paragraph (1)—

''(i) may be provided through programs on school grounds or at other facilities;

''(ii) shall, to the maximum extent practicable, be provided through existing programs and mechanisms that integrate homeless children and youth with nonhomeless children and youth; and

''(iii) shall be designed to expand or improve services provided as part of a school's regular academic program, but not replace that program.

''(B) SERVICES ON SCHOOL GROUNDS.—If services under paragraph (1) are provided on school grounds, schools—

''(i) may use funds under this subtitle to provide the same services to other children and youth who are determined by the local educational agency to be at risk of failing in, or dropping out of, schools, subject to the requirements of clause (ii).

''(ii) except as otherwise provided in section 722(e)(3)(B), shall not provide services in settings within a school that segregates homeless children and youth from other children and youth except as is necessary for short periods of time—

''(I) for health and safety emergencies; or

''(II) to provide temporary, special, supplementary services to meet the unique needs of homeless children and youth.

''(3) REQUIREMENT.—Services provided under this section shall not replace the regular academic program and shall be designed to expand upon or improve services provided as part of the school's regular academic program.

''(b) APPLICATION.—A local educational agency that desires to receive a grant under this section shall submit an application to the State educational agency at such time, in such manner, and containing or accompanied by such information as the State educational agency may reasonably require. Each such application shall include—

''(1) an assessment of the educational and related needs of homeless children and youth in such agency (which may be undertaken as a part of needs assessments for other disadvantaged groups);

''(2) a description of the services and programs for which assistance is sought and the problems to be addressed through the provision of such services and programs;

''(3) an assurance that the local educational agency's combined fiscal effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such agency for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the second fiscal year preceding the fiscal year for which the determination is made;

''(4) an assurance that the applicant complies with, or will use requested funds to comply with, paragraphs (3) through (7) of section 722(g); and

''(5) a description of policies and procedures, consistent with section 722(e)(3)(B), that the agency will implement to ensure that activities carried out by the agency will not isolate or stigmatize homeless children and youth.

''(c) AWARDS.—

''(1) IN GENERAL.—The State educational agency shall, in accordance with the requirements of this subtitle and from amounts made available to it under section 726, make competitive subgrants that result in an equitable distribution of geographic areas within the State to local educational agencies that submit applications under subsection (b). Such subgrants shall be awarded on the basis of the need of such agencies for assistance under this subtitle and the quality of the applications submitted.

''(2) NEED.—In determining need under paragraph (1), the State educational agency may consider the number of homeless children and youth enrolled in preschool, elementary, and secondary schools within the area served by the agency, and shall consider the needs of such children and youth and the ability of the agency to meet such needs. Such agency may also consider—

''(A) the extent to which the proposed use of funds would facilitate the enrollment, retention, and educational success of homeless children and youth;

''(B) the extent to which the application reflects coordination with other local and State agencies that serve homeless children and youth, and meets the requirements of section 722(g)(3);

''(C) the extent to which the applicant exhibits in the application and in current practice a commitment to education for all homeless children and youth; and

''(D) such other criteria as the State agency determines appropriate.

''(3) QUALITY.—In determining the quality of applications under paragraph (1), the State educational agency shall consider—

''(A) the applicant's needs assessment under subsection (b)(1) and the likelihood that the program presented in the application will meet such needs;

''(B) the types, intensity, and coordination of the services to be provided under the program;

''(C) the involvement of parents or guardians;

''(D) the extent to which homeless children and youth will be integrated within the regular education program;

''(E) the quality of the applicant's evaluation plan for the program;

''(F) the extent to which services provided under this subtitle will be coordinated with other available services; and

''(G) such other measures as the State educational agency considers indicative of a high-quality program.

''(4) DURATION OF GRANTS.—Grants awarded under this section shall be for terms not to exceed three years.

''(d) AUTHORIZED ACTIVITIES.—A local educational agency may use funds awarded under this section for activities to carry out the purpose of this subtitle, including—

''(1) the provision of tutoring, supplemental instruction, and enriched educational services that are linked to the achievement of the same challenging State content standards and challenging State student performance standards the State establishes for other children and youth;

''(2) the provision of expedited evaluations of the strengths and needs of homeless children and youth, including needs and eligibility for programs and services (such as educational programs for gifted and talented students, children with disabilities, and students with limited-English proficiency, services provided under title I of the Elementary and Secondary Education Act of 1965 or similar State or local programs, programs in vocational and technical education, and school nutrition programs);

''(3) professional development and other activities for educators and pupil services personnel that are designed to heighten the understanding and sensitivity of such personnel to the needs of homeless children and youth, the rights of such children and youth under this Act, and the specific educational needs of runaway and homeless youth;

''(4) the provision of referral services to homeless children and youth for medical, dental, mental, and other health services;

''(5) the provision of assistance to defray the excess cost of transportation for students pursuant to section 722(g)(4)(A), not otherwise provided through Federal, State, or local funding, where necessary to enable students to attend the school selected under section 722(g)(3);

''(6) the provision of developmentally appropriate early childhood education programs, not otherwise provided through Federal, State, or local funding, for preschool-aged children;

''(7) the provision of before- and after-school, mentoring, and summer programs for homeless children and youth in which a teacher or other qualified individual provides tutoring, homework assistance, and supervision of educational activities;

''(8) if necessary, the payment of fees and other costs associated with tracking, obtaining, and transferring records necessary to enroll homeless children and youth in school, including birth certificates, immunization records, academic records, guardianship records, and evaluations for special programs or services;

''(9) the provision of education and training to the parents of homeless children and youth about the rights of, and resources available to, such children and youth;

''(10) the development of coordination between schools and agencies providing services to homeless children and youth, including programs funded under the Runaway and Homeless Youth Act;

''(11) the provision of pupil services (including violence prevention counseling) and referrals for such services;

''(12) activities to address the particular needs of homeless children and youth that may arise from domestic violence;

''(13) the adaptation of space and purchase of supplies for nonschool facilities made available under subsection (a)(2) to provide services under this subsection;

''(14) the provision of school supplies, including those supplies to be distributed at shelters or temporary housing facilities, or other appropriate locations; and

''(15) the provision of other extraordinary or emergency assistance needed to enable homeless children and youth to attend school.

''SEC. 724. SECRETARIAL RESPONSIBILITIES.

''(a) REVIEW OF PLANS.—In reviewing the State plan submitted by a State educational agency under section 722(g), the Secretary shall use a peer review process and shall evaluate whether State laws, policies, and practices described in such plans adequately address the problems of homeless children and youth relating to access to education and placement as described in such plans.

''(b) TECHNICAL ASSISTANCE.—The Secretary shall provide support and technical assistance to the State educational agencies to assist such agencies to carry out their responsibilities under this subtitle, if requested by the State educational agency.

''(c) REPORT.—The Secretary shall develop and issue not later than 60 days after the date of enactment of the Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999, a report to be made available to States, local educational agencies, and other applicable agencies regarding the following:

''(1) ENROLLMENT.—Such report shall review successful ways in which a State may assist local educational agencies to enroll homeless students on an immediate basis. The report issued by the Secretary shall—

''(A) clarify that enrollment includes a homeless child's or youth's right to actually attend school; and

''(B) clarify requirements that States are to review immunization and medical or school records and to make such revisions as appropriate and necessary in order to enroll homeless students in school more quickly.

''(2) TRANSPORTATION.—The report shall also address the transportation needs of homeless students. The report issued by the Secretary shall—

''(A) explicitly state that the goal of the transportation provisions contained in this Act is to provide educational stability by reducing mobility and therefore provide an effective learning environment for homeless children; and

''(B) encourage States to follow programs implemented in State law that have successfully addressed transportation barriers for homeless children.

''(d) EVALUATION AND DISSEMINATION.—The Secretary shall conduct evaluation and dissemination activities of programs designed to meet the educational needs of homeless elementary and secondary school students, and may use funds appropriated under section 726 to conduct such activities.

''(e) SUBMISSION AND DISTRIBUTION.—The Secretary shall require applications for grants under this subtitle to be submitted to the Secretary not later than the expiration of the 60-day period beginning on the date that funds are available for purposes of making such grants and shall make such grants not later than the expiration of the 120-day period beginning on such date.

''(f) DETERMINATION BY SECRETARY.—The Secretary, based on the information received from the States and information gathered by the Secretary under subsection (e), shall determine the extent to which State educational agencies are ensuring that each homeless child and homeless youth has access to a free appropriate public education as described in section 721(1).

''(g) INFORMATION.—

''(1) IN GENERAL.—From funds appropriated under section 726, the Secretary shall, either directly or through grants, contracts, or cooperative agreements, periodically collect and disseminate data and information regarding—

''(A) the number and location of homeless children and youth;

''(B) the education and related services such children and youth receive;

''(C) the extent to which such needs are being met; and

''(D) such other data and information as the Secretary deems necessary and relevant to carry out this subtitle.

''(2) COORDINATION.—The Secretary shall coordinate such collection and dissemination with other agencies and entities that receive assistance and administer programs under this subtitle.

''(h) REPORT.—Not later than 4 years after the date of the enactment of the Stewart B. McKinney Homeless Education Assistance Improvement Act of 1999, the Secretary shall prepare and submit to the President and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the status of education of homeless children and youth, which shall include information on—

''(1) the education of homeless children and youth; and

''(2) the effectiveness of the programs supported under this subtitle.

''SEC. 725. DEFINITIONS.

''For the purpose of this subtitle, unless otherwise stated—

''(1) the terms 'local educational agency' and 'State educational agency' have the same meanings given such terms under section 14101, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);

''(2) the term ''Secretary'' means the Secretary of Education; and

''(3) the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

''SEC. 726. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this subtitle, there are authorized to be appropriated $36,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004.''.

TITLE VIII—SCHOOLWIDE PROGRAM ADJUSTMENT

SEC. 801. SCHOOLWIDE FUNDS.

The Act is amended by adding at the end the following:

''TITLE XVI—SCHOOLWIDE PROGRAM ADJUSTMENT

''SEC. 16001. SCHOOLWIDE PROGRAM ADJUSTMENT.

''Notwithstanding the provisions of section 1114, a local educational agency may consolidate funds under part A of title I, together with other Federal, State, and local funds, in order to upgrade the entire educational program of a

school that serves an eligible school attendance area in which not less than 40 percent of the children are from low-income families, or not less than 40 percent of the children enrolled in the school are from such families.''.

The CHAIRMAN. The bill shall be considered under the 5-minute rule for a period not to exceed 6 hours.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Amendment number 5 shall not be subject to amendment and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendment to the bill?

AMENDMENT NO. 5 OFFERED BY MR. GOODLING

Mr. GOODLING. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. GOODLING:

In section 1112(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (10), by striking the ''and'' after the semicolon;

(2) in paragraph (11), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(12) a description of the criteria established by the local educational agency pursuant to section 1119(b)(1).

In section 1124(c)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) in subparagraph (A), strike ''and'' after the semicolon;

(2) in subparagraph (B), strike the period and insert ''; and''; and

(3) add at the end the following:

''(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4).''.

In section 1124(c)(4) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) insert before the first sentence the following: ''For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.'';

(2) in the first sentence after the sentence inserted by paragraph (1)—

(A) insert ''the number of such children and'' after ''determine''; and

(B) insert ''(using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October)'' after ''fiscal year''.

Amend subparagraph (C) of section 1701(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill, to read as follows:

''(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).''.

In section 5204(a) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), insert ''the design and development of new strategies for overcoming transportation barriers,'' after ''effective public school choice''; and

(2) in paragraph (2)(A), after ''inter-district'' insert ''or intra-district''; and

(3) amend subparagraph (E) to read as follows:

''(E) public school choice programs that augment the existing transportation services necessary to meet the needs of children participating in such programs.''.

In section 5204(b) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), after the semicolon insert ''and'';

(2) strike paragraph (2); and

(3) redesignate paragraph (3) as paragraph (2).

In section 9116(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

(1) insert ''funds for'' after ''(b) shall include''; and

(2) strike '', or portion thereof,'' and insert ''exclusively serving Indian children or the funds reserved under any program to exclusively serve Indian children''.

In section 15004(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 301 of the bill, strike ''state, or federal laws, rules or regulations'' and insert ''State, and Federal laws, rules and regulations''.

In section 1121(c)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''1 year'' and insert ''2 years''.

In the heading for section 1123 of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, insert ''**CODIFICATION OF**'' before ''**REGULATIONS**''.

In section 1126(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''maintenance to schools'' and insert ''maintenance of schools''.

In the heading for section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''GENERAL'' and all that follows through the semicolon.

In section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''Regulations required'' and all that follows through ''Such regulations shall'' and insert ''Regulations issued to implement this Act shall''.

In section 1138A(b)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike '', provided that the'' and all that follow through the end of the paragraph and insert a period.

In section 1138A(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, redesignate paragraph (2) as paragraph (3), and insert the following new paragraph (2) after paragraph (1):

''(2) NOTIFICATION TO CONGRESS.—If draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 are not issued in final form by the deadline provided in paragraph (1), the Secretary shall notify the appropriate committees of Congress of which draft regulations were not issued in final form by the deadline and the reason such final regulations were not issued.

In section 5209(a) of Public Law 100–297, as proposed to be amended by section 420 of the bill—

(1) strike ''106(f)'' and insert ''106(e)'';

(2) strike ''106(j)'' and insert ''106(i)''; and

(3) strike ''106(k)'' and insert ''106(j)''.

In section 722(g)(3)(C) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(C)), as proposed to be amended by section 704 of the bill—

(1) in clause (i), strike ''Except as provided in clause (iii), a'' and insert ''A''; and

(2) amend clause (iii) to read as follows:

''(iii) ''If the child or youth needs to obtain immunizations or immunization records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations or immunization records in accordance with subparagraph (E).''

In section 722(g)(3)(E)(i) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(E)(i)), as proposed to be amended by section 704 of the bill, strike ''except as provided in subparagraph (C)(iii),''.

In section 1112(g) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106(f) of the bill strike paragraph (2)(A) and insert the following:

''(2) CONSENT.—

''(A) AGENCY REQUIREMENTS.—

''(i) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

''(I) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

''(II) instruction is tailored for limited English proficient children.

''(ii) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

''(iii) RESPONSE NOT OBTAINED.—

''(I) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial

effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such notice and its specific efforts made to obtain such consent.

''(II) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

''(III) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

At the end of the bill, add the following:

TITLE IX—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

SEC. 901. PROGRAMS AUTHORIZED.

Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended to read as follows:

''TITLE VII—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

''PART A—ENGLISH LANGUAGE EDUCATION

''SEC. 7101. SHORT TITLE.

''This part may be cited as the 'English Language Proficiency and Academic Achievement Act'.

''SEC. 7102. FINDINGS AND PURPOSES.

''(a) FINDINGS.—The Congress finds that—

''(1) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential;

''(2) limited English proficient children must overcome a number of challenges in receiving an education in order to enable such children to participate fully in American society, including—

''(A) segregated education programs;

''(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

''(C) the limited English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

''(D) a need for additional teachers and other staff who are professionally trained and qualified to serve such children;

''(3) States and local educational agencies need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to children who need special assistance because English is not their dominant language;

''(4) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act), including native residents of the outlying areas, have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States;

''(5) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local educational agencies take appropriate action to provide equal educational opportunities to children of limited English proficiency; and

''(6) research, evaluation, and data collection capabilities in the field of instruction for limited English proficient children need to be strengthened so that educators and other staff teaching limited English proficient children in the classroom can better identify and promote programs, program implementation strategies, and instructional practices that result in the effective education of limited English proficient children.

''(b) PURPOSES.—The purposes of this part are—

''(1) to help ensure that children who are limited English proficient attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State content standards and challenging State student performance standards expected of all children; and

''(2) to develop high quality programs designed to assist local educational agencies in teaching limited English proficient children.

''SEC. 7103. PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.

''(a) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part of—

''(1) the reasons for the identification of the child as being in need of English language instruction;

''(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

''(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;

''(4) what the specific exit requirements are for the program;

''(5) the expected rate of transition from the program into a classroom that is not tailored for limited English proficient children; and

''(6) the expected rate of graduation from high school for the program if funds under this part are used for children in secondary schools.

''(b) CONSENT.—

''(1) AGENCY REQUIREMENTS.—

''(A) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

''(i) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

''(ii) instruction is tailored for limited English proficient children.

''(B) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

''(C) RESPONSE NOT OBTAINED.—

''(i) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document, in writing, that it has given such notice and its specific efforts made to obtain such consent.

''(ii) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the LEA shall provide appropriate educational services.

''(iii) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of the school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

''(2) PARENTAL RIGHTS.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under subpart 1 or 2 shall—

''(A) select among methods of instruction, if more than one method is offered in the program; and

''(B) have the right to have their child immediately removed from the program upon their request.

''(c) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

''(1) timely information about English language instruction programs for limited English proficient children assisted under this part;

''(2) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents; and

''(3) procedural information for removing a child from a program for limited English proficient children.

''(d) BASIS FOR ADMISSION OR EXCLUSION.—Students shall not be admitted to or excluded from any federally assisted education program on the basis of a surname or language-minority status.

"SEC. 7104. TESTING OF LIMITED ENGLISH PROFICIENT CHILDREN.

''(a) IN GENERAL.—Assessments of limited English proficient children participating in programs funded under this part, to the extent practicable, shall be in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas.

''(b) SPECIAL RULE.—Notwithstanding subsection (a), in the case of an assessment of reading or language arts of any student who has attended school in the United States (excluding Puerto Rico) for 3 or more consecutive school years, the assessment shall be in the form of a test written in English, except that, if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional year.

"SEC. 7105. CONDITIONS ON EFFECTIVENESS OF SUBPARTS 1 AND 2.

''(a) SUBPART 1.—Subpart 1 shall be in effect only for a fiscal year for which subpart 2 is not in effect.

''(b) SUBPART 2.—

''(1) IN GENERAL.—Subpart 2 shall be in effect only for—

''(A) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds $215,000,000; and

''(B) all succeeding fiscal years.

''(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this part, a State receiving a grant under subpart 2 shall provide 1 additional year of funding to eligible entities in accordance with section 7133(3).

"SEC. 7106. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) SUBPART 1 OR 2.—Subject to section 7105, for the purpose of carrying out subpart 1 or 2, as applicable, there are authorized to be appropriated $215,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

''(b) SUBPART 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated $60,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

''(c) SUBPART 4.—For the purpose of carrying out subpart 4, there are authorized to be appropriated $16,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

"Subpart 1—Discretionary Grant Program

"SEC. 7111. FINANCIAL ASSISTANCE FOR PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN.

''The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under section 7112, to—

''(1) develop and enhance their capacity to provide high-quality instruction through English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children; and

''(2) help such children—

''(A) develop proficiency in English; and

''(B) meet the same challenging State content standards and challenging State student performance standards expected for all children as required by section 1111(b).

"SEC. 7112. FINANCIAL ASSISTANCE FOR INSTRUCTIONAL SERVICES.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—In accordance with section 7105, before the amount appropriated to carry out this part for a fiscal year equals or exceeds $210,000,000, the Secretary is authorized to award grants to eligible entities having applications approved under section 7114 to enable such entities to carry out activities described in subsection (b).

''(2) LENGTH OF GRANT.—Each grant under this section shall be awarded for a period of time to be determined by the Secretary based on the type of grant for which the eligible entity applies.

''(b) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards using scientifically-based research approaches and methodologies, by—

''(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

''(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

''(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

''(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

''(c) USES OF FUNDS.—Grants under this section may be used—

''(1) to upgrade—

''(A) educational goals, curriculum guidelines and content, standards, and assessments; and

''(B) professional development activities;

''(2) to improve the instruction program for limited English proficient students by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures; and

''(3) to provide—

''(A) tutorials and academic or vocational education for limited English proficient children;

''(B) intensified instruction; and

''(C) for such other activities, related to the purposes of this subpart, as the Secretary may approve.

''(d) SPECIAL RULE.—A grant recipient, before carrying out a program assisted under this section, shall plan, train personnel, develop curricula, and acquire or develop materials.

''(e) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

''(1) 1 or more local educational agencies; or

''(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or local or State educational agency.

"SEC. 7113. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

''(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this subpart, subject to the following qualifications:

''(1) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

''(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

''(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

''(B) any nonprofit institution or organization that is—

''(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

''(ii) approved by the Secretary for the purpose of this section.

''(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this subpart, each eligible entity described in subsection (a) shall submit any application for assistance under this subpart directly to the Secretary along with timely comments on the need for the proposed program.

"SEC. 7114. APPLICATIONS.

''(a) IN GENERAL.—

''(1) SECRETARY.—To receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

''(2) STATE EDUCATIONAL AGENCY.—An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of its application under this section to the State educational agency.

''(b) REQUIRED DOCUMENTATION.—Such application shall include documentation that the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

''(c) CONTENTS.—

''(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

''(A) A description of the need for the proposed program, and a comprehensive description of the characteristics relevant to the children being served.

''(B) An assurance that, if the applicant includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year.

''(C) A description of the program to be implemented and how such program's design—

''(i) relates to the English language and academic needs of the children of limited English proficiency to be served;

''(ii) is coordinated with other programs under this Act and other Acts, as appropriate, in accordance with section 14306;

''(iii) involves the parents of the children of limited English proficiency to be served;

''(iv) ensures accountability in achieving high academic standards; and

''(v) promotes coordination of services for the children of limited English proficiency to be served and their families.

''(D) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

''(E) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for programs for limited English proficient children if the applicant receives an award under this subpart.

''(F) An assurance that the applicant will employ teachers in the proposed program who are proficient in English, including written and oral communication skills, and another language, if appropriate.

''(G) A budget for grant funds.

''(H) A description, if appropriate of how the applicant annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart.

''(2) ADDITIONAL INFORMATION.—Each applicant for a grant under section 7112 who intends to use the grant for a purpose described in paragraph (3) or (4) of subsection (b) of such section—

''(A) shall describe—

''(i) how services provided under this subpart are supplementary to existing services;

''(ii) how funds received under this subpart will be integrated, as appropriate, with all other Federal, State, local, and private resources that may be used to serve children of limited English proficiency;

''(iii) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

''(iv) current family literacy programs if applicable; and

''(B) shall provide assurances that the program funded will be integrated with the overall educational program.

''(d) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

''(1) the program will use qualified personnel, including personnel who are proficient in English and other languages used in instruction, if appropriate.

''(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

''(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited English proficient students, and that limited English proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

''(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such Federal funds, would have been expended for special programs for limited English proficient children and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with respect to services to be provided such children; and

''(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this subpart is reduced or no longer available.

''(e) CONSIDERATION.—In approving applications under this subpart, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or businesses.

''SEC. 7115. INTENSIFIED INSTRUCTION.

''In carrying out this subpart, each grant recipient may intensify instruction for limited English proficient students by—

''(1) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months;

''(2) applying technology to the course of instruction; and

''(3) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

''SEC. 7116. CAPACITY BUILDING.

''Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children, once Federal assistance is reduced or eliminated.

''SEC. 7117. SUBGRANTS.

''A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

''SEC. 7118. SPECIAL CONSIDERATION.

''The Secretary shall give special consideration to applications under this subpart that describe a program that—

''(1) enrolls a large percentage or large number of limited English proficient students;

''(2) takes into account significant increases in limited English proficient children, including such children in areas with low concentrations of such children; and

''(3) ensures that activities assisted under this subpart address the needs of school systems of all sizes and geographic areas, including rural and urban schools.

''SEC. 7119. COORDINATION WITH OTHER PROGRAMS.

''In order to secure the most flexible and efficient use of Federal funds, any State receiving funds under this subpart shall coordinate its program with other programs under this Act and other Acts, as appropriate, in accordance with section 14306.

''SEC. 7120. NOTIFICATION.

''The State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days of the date an award under this subpart is made to an eligible entity within the State.

''SEC. 7121. STATE GRANT PROGRAM.

''(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's own programs and other Federal education programs, effectively provides for the education of children of limited English proficiency within the State.

''(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—A State educational agency shall use funds awarded under this section for programs authorized by this section—

''(A) to assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation; and

''(B) to collect data on the State's limited English proficient populations and the educational programs and services available to such populations.

''(2) EXCEPTION.—States that do not, as of the date of enactment of the Student Results Act of 1999, have in place a system for collecting the data described in paragraph (1)(B) for all students in such State, are not required to meet the requirement of such paragraph. In the event such State develops a system for collecting data on the educational programs and services available to all students in the State, then such State shall comply with the requirement of paragraph (1)(B).

''(3) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

''(4) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

''(d) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase to the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

''(f) REPORT TO THE SECRETARY.—State educational agencies receiving awards under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of such funds.

''Subpart 2—Formula Grant Program

''SEC. 7131. FORMULA GRANTS TO STATES.

''(a) IN GENERAL.—In accordance with section 7105, after the amount appropriated to carry out this part for a fiscal year equals or exceeds $215,000,000, in the case of each State that in accordance with section 7133 submits to the Secretary an application for a fiscal year, the Secretary shall offer discretionary funds under subsection (b) to make a grant for the year to the State for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State under section 7135.

''(b) RESERVATION.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve not less than .5 percent to provide Federal financial assistance under this subpart to entities that are considered to be local educational agencies under section 7108(a).

''(c) PURPOSES OF GRANTS.—

''(1) REQUIRED EXPENDITURES.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 95 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to limited English proficient children in accordance with section 7134.

''(2) AUTHORIZED EXPENDITURES.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 5 percent of the amount of the funds provided under the grant for one or more of the following purposes:

''(A) Professional development and activities that assist personnel in meeting State and local certification requirements for English language instruction.

''(B) Planning, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

''(C) Providing technical assistance and other forms of assistance to local educational agencies that—

''(i) educate limited English proficient children; and

''(ii) are not receiving a subgrant from a State under this subpart.

''(D) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children enrolled in the subgrantee's programs and activities attain English language proficiency and meet challenging State content standards and challenging State student performance standards.

''(3) LIMITATION ON ADMINISTRATIVE COSTS.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend not more than 2 percent of the amount of the funds provided under the grant for the purposes described in paragraph (2)(B).

''SEC. 7132. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

''(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, the following shall be considered to be a local educational agency:

''(1) An Indian tribe.

''(2) A tribally sanctioned educational authority.

''(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

''(4) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

''(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

''(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

''(b) SUBMISSION OF APPLICATIONS FOR ASSISTANCE.—Notwithstanding any other provision of this subpart, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a grant under this subpart on the same basis as any other local educational agency.

''SEC. 7133. APPLICATIONS BY STATES.

''For purposes of section 7131, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

''(1) describes the process that the State will use in making subgrants to eligible entities under this subpart;

''(2) contains an agreement that the State annually will submit to the Secretary a summary report, describing the State's use of the funds provided under the grant;

''(3) contains an agreement that the State—

''(A) will provide one year of funding for an application for a subgrant under section 7134 from an eligible entity that describes a program that, on the day preceding the date of the enactment of the Student Results Act of 1999, was receiving funding under a grant—

''(i) awarded by the Secretary under subpart 1 or 3 of part A of the Bilingual Education Act (as such Act was in effect on such day); and

''(ii) that was not under its terms due to expire before a period of 1 year or more had elapsed; and

''(B) after such one-year extension, will give special consideration to such applications if the period of their award would not yet otherwise have expired if the Student Results Act of 1999 had not been enacted.

''(4) contains an agreement that, in carrying out this subpart, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

''(5) contains an agreement that subgrants to eligible entities under section 7134 shall be of sufficient size and scope to allow such entities to carry out high quality education programs for limited English proficient children;

''(6) contains an agreement that the State will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

''(7) contains an agreement that the State—

''(A) shall monitor the progress of students enrolled in programs and activities receiving assistance under this subpart in attaining English proficiency and in attaining challenging State content standards and challenging State performance standards;

''(B) subject to subparagraph (C), shall withdraw funding from such programs and activities in cases where the majority of students are not attaining English proficiency and attaining challenging State content standards and challenging State performance standards after 3 academic years of enrollment based on the evaluation measures in section 7403(d); and

''(C) shall provide technical assistance to eligible entities that fail to satisfy the criterion in subparagraph (B) prior to the withdrawal of funding under such subparagraph;

''(8) contains an assurance that the State will require eligible entities receiving a subgrant under section 7134 annually to assess the English proficiency of all children with limited English proficiency participating in a program funded under this subpart; and

''(9) contains an agreement that States will require eligible entities receiving a grant under this subpart to use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in attaining challenging State content standards and challenging State performance standards once assistance under this subpart is no longer available.

''SEC. 7134. SUBGRANTS TO ELIGIBLE ENTITIES.

''(a) PURPOSES OF SUBGRANTS.—A State may make a subgrant to an eligible entity from funds received by the State under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards, using scientifically-based research approaches and methodologies, by—

''(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

''(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

''(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

''(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

''(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—

''(1) IN GENERAL.—Subject to paragraph (2), a State may make a subgrant to an eligible entity from funds received by the State under this subpart in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one

or more of the following activities to improve the understanding, and use, of the English language, based on a child's learning skills:

''(A) Developing and implementing comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

''(B) Providing professional development to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children.

''(C) Improving the English language proficiency and academic performance of limited English proficient children.

''(D) Improving the instruction of limited English proficient children by providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, providing training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

''(E) Developing tutoring programs for limited English proficient children that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among limited English proficient children, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for limited English proficient children.

''(F) Providing family literacy services and parent outreach and training activities to limited English proficient children and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

''(G) Other activities that are consistent with the purposes of this subpart.

''(2) MOVING CHILDREN OUT OF SPECIALIZED CLASSROOMS.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this subpart shall be designed to assist students enrolled in the program or activity to attain English proficiency and meet challenging State content standards and challenging State performance standards as soon as possible and to move into a classroom where instruction is not tailored for limited English proficient children.

''(c) SELECTION OF METHOD OF INSTRUCTION.—To receive a subgrant from a State under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State content standards and challenging State student performance standards. Such selection shall be consistent with sections 7406 and 7407.

''(d) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State under this section shall be determined by the State in its discretion.

''(e) APPLICATIONS BY ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—To receive a subgrant from a State under this subpart, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

''(2) REQUIRED DOCUMENTATION.—The application shall describe the programs and activities proposed to be developed, implemented, and administered under the subgrant and shall provide an assurance that the applicant will only employ teachers and other personnel for the proposed programs and activities who are proficient in English, including written and oral communication skills.

''(3) REQUIREMENTS FOR APPROVAL.—A State may approve an application submitted by an eligible entity for a subgrant under this subpart only if the State determines that—

''(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English to children who are limited English proficient;

''(B) if the eligible entity includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year;

''(C) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart;

''(D) the eligible entity has based its proposal on sound research and theory;

''(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be fluent in English after 3 academic years of enrollment;

''(F) the eligible entity will ensure that programs will enable children to speak, read, write, and comprehend the English language and meet challenging State content and challenging State performance standards; and

''(G) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children.

''(4) QUALITY.—In determining which applications to select for approval, a State shall consider the quality of each application and ensure that it is of sufficient size and scope to meet the purposes of this subpart.

''SEC. 7135. DETERMINATION OF AMOUNT OF ALLOTMENT.

''(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), from the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sum as the total number of children who are limited English proficient and who reside in the State bears to the total number of such children residing in all States (excluding the Commonwealth of Puerto Rico and the outlying areas) that, in accordance with section 7133, submit to the Secretary an application for the year.

''(b) PUERTO RICO.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 1.5 percent of the sums appropriated under section 7106(a).

''(c) OUTLYING AREAS.—

''(1) TOTAL AVAILABLE FOR ALLOTMENT.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the outlying areas, in accordance with paragraph (2), a total amount equal to .5 percent of the sums appropriated under section 7120.

''(2) DETERMINATION OF INDIVIDUAL AREA AMOUNTS.—From the total amount determined under paragraph (1), the Secretary shall allot to each outlying area an amount which bears the same ratio to such amount as the total number of children who are limited English proficient and who reside in the outlying area bears to the total number of such children residing in all outlying areas that, in accordance with section 7133, submit to the Secretary an application for the year.

''(d) MINIMUM ALLOTMENT.—

''(1) IN GENERAL.—Notwithstanding subsections (a) through (c), and subject to section 7105, the Secretary shall not allot to any State, for fiscal years 2000 through 2004, an amount that is less than 100 percent of the baseline amount for the State.

''(2) BASELINE AMOUNT DEFINED.—For purposes of this subsection, the term 'baseline amount', when used with respect to a State, means the total amount received under this part for fiscal year 2000 by the State, the State educational agency, and all local educational agencies of the State.

''(3) RATABLE REDUCTION.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

''(e) USE OF STATE DATA FOR DETERMINATIONS.—For purposes of subsections (a) and (c), any determination of the number of children who are limited English proficient and reside in a State shall be made using the most recent limited English proficient school enrollment data available to, and reported to the Secretary by, the State. The State shall provide assurances to the Secretary that such data are valid and reliable.

''(f) NO REDUCTION PERMITTED BASED ON TEACHING METHOD.—The Secretary may not reduce a State's allotment based on the State's selection of the immersion method of instruction as its preferred method of teaching the English language to children who are limited English proficient.

''SEC. 7136. DISTRIBUTION OF GRANTS TO ELIGIBLE ENTITIES.

''Of the amount expended by a State for subgrants to eligible entities—

''(1) at least one-half shall be allocated to eligible entities that enroll a large percentage or a large number of children who are limited English proficient, as determined based on the relative enrollments of such children enrolled in the eligible entities; and

''(2) the remainder shall be allocated on a competitive basis to—

''(A) eligible entities within the State to address a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children who are limited English proficient in a school or local educational agency, including schools and agencies in areas with low concentrations of such children; and

''(B) other eligible entities serving limited English proficient children.

''SEC. 7137. SPECIAL RULE ON PRIVATE SCHOOL PARTICIPATION.

For purposes of this Act, this subpart shall be treated as a covered program, as defined in section 14101(10).

''Subpart 3—Professional Development

''SEC. 7141. PURPOSE.

''The purpose of this subpart is to assist in preparing educators to improve educational services for limited English proficient children by supporting professional development programs primarily aimed at improving and developing the skills of instructional staff in elementary and secondary schools and on assisting limited English proficient children to attain English proficiency and meet challenging State academic content standards and challenging State performance standards.

"SEC. 7142. PROFESSIONAL DEVELOPMENT AND FELLOWSHIPS.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, as appropriate, to local educational agencies, institutions of higher education, State educational agencies, public and private organizations in consortium with a local educational agency, or a consortium of such agencies or institutions, except that any such consortium shall include a local educational agency.

''(2) GRANT PURPOSE.—Grants awarded under this section shall be used for one or more of the following purposes:

''(A) To develop and provide ongoing inservice professional development, including professional development necessary to receive certification as a teacher of limited English proficient children, for teachers of limited English proficient children, school administrators and, if appropriate, pupil services personnel, and other educational personnel who are involved in, or preparing to be involved in, the provision of educational services to limited English proficient children.

''(B) To provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies, and resources specific to limited English proficient students into in-service professional development programs for teachers, administrators and, if appropriate, pupil services personnel, and other educational personnel in order to prepare such individuals to provide effective services to limited English proficient students.

''(C) To upgrade the qualifications and skills of teachers to ensure that they are fully qualified (as defined by section 1610) and meet high professional standards, including certification and licensure as a teacher of limited English proficient students.

''(D) To upgrade the qualifications and skills of paraprofessionals to ensure they meet the requirements under section 1119 and meet high professional standards to assist, as appropriate, teachers who instruct limited English proficient students.

''(E) To train secondary school students as teachers of limited English proficient children and to train, as appropriate, other education personnel to serve limited English proficient students.

''(F) To award fellowships for—

''(i) study in such areas as teacher training, program administration, research and evaluation, and curriculum development, at the master's, doctoral, or post-doctoral degree level, related to instruction of children and youth of limited English proficiency; and

''(ii) the support of dissertation research related to such study.

''(G) To recruit elementary and secondary school teachers of limited English proficient children.

''(b) DURATION AND LIMITATION.—

''(1) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

''(2) LIMITATION.—Not more than 15 percent of the amount of the grant may be expended for the purposes described in subparagraphs (F) and (G) of subsection (a)(2).

''(c) PROFESSIONAL DEVELOPMENT REQUIREMENTS.—

''(1) ACTIVITIES.—A recipient of a grant under this section may use the grant funds for the following professional development activities:

''(A) Designing and implementing of induction programs for new teachers, including mentoring and coaching by trained teachers, team teaching with experienced teachers, compensation for, and availability of, time for observation of, and consultation with, experienced teachers, and compensation for, and availability of, additional time for course preparation.

''(B) Implementing collaborative efforts among teachers to improve instruction in reading and other core academic areas for students with limited English proficiency, including programs that facilitate teacher observation and analysis of fellow teachers' classroom practice.

''(C) Supporting long-term collaboration among teachers and outside experts to improve instruction of limited English proficient students.

''(D) Coordinating project activities with other programs, such as those under the Head Start Act, and titles I and II of this Act, and titles II and V of the Higher Education Act of 1965.

''(E) Developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served.

''(F) Instructing teachers and, where appropriate, other personnel working with limited English children on how—

''(i) to utilize test results to improve instruction for limited English proficient children so the children can meet the same challenging State content standards and challenging State performance standards as other students; and

''(ii) to help parents understand the results of such assessments.

''(G) Contracting with institutions of higher education to allow them to provide inservice training to teachers, and, where appropriate, other personnel working with limited English proficient children to improve the quality of professional development programs for limited English proficient students.

''(H) Such other activities as are consistent with the purpose of this section.

''(2) ADDITIONAL REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT FUNDS.—Uses of funds received under this section for professional development—

''(A) shall advance teacher understanding of effective instructional strategies based on scientifically based research for improving student achievement;

''(B) shall be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers' performance in the classroom;

''(C) shall be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under subparts 1 and 2 of part A; and

''(D) as a whole, shall be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development.

''(d) FELLOWSHIP REQUIREMENTS.—

''(1) IN GENERAL.—Any person receiving a fellowship under subsection (a)(2)(F) shall agree—

''(A) to work as a teacher of limited English proficient children, or in a program or an activity funded under this part, for a period of time equivalent to the period of time during which the person receives such fellowship; or

''(B) to repay the amount received pursuant to the fellowship award.

''(2) REGULATIONS.—The Secretary shall establish in regulations such terms and conditions for agreements under paragraph (1) as the Secretary deems reasonable and necessary and may waive the requirement of such paragraph in extraordinary circumstances.

''(3) PRIORITY.—In awarding fellowships under this section, the Secretary shall give priority to fellowship applicants applying for study or dissertation research at institutions of higher education that have demonstrated a high level of success in placing fellowship recipients into employment in elementary and secondary schools.

''(4) INFORMATION.—The Secretary shall include information on the operation and the number of fellowships awarded under this section in the evaluation required under section 7145.

"SEC. 7143. APPLICATION.

''(a) IN GENERAL.—

''(1) SUBMISSION TO SECRETARY.—In order to receive a grant under section 7142, an agency, institution, organization, or consortium described in subsection (a)(1) of such section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

''(2) CONTENTS.—Each such application shall include—

''(A) a description of the proposed professional development or graduate fellowship programs to be implemented with the grant;

''(B) a description of the scientific research on which the program or programs are based; and

''(C) an assurance that funds will be used to supplement and not supplant other professional development activities that affect the teaching and learning in elementary and secondary schools, as appropriate.

''(b) APPROVAL.—The Secretary shall only approve an application under this section if it meets the requirements of this section and is of sufficient quality to meet the purposes of this subpart.

''(c) SPECIAL RULES.—

''(1) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under titles III and V of the Higher Education Act of 1965 and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate the participation of such institutions under this subpart.

''(2) DISTRIBUTION.—In making awards under this subpart, the Secretary shall ensure adequate representation of Hispanic-serving institutions (as defined in section 502 of the Higher Education Act of 1965) that demonstrate competence and experience in the programs and activities authorized under this subpart and are otherwise qualified.

"SEC. 7144. PROGRAM EVALUATIONS.

''Each recipient of funds under this subpart shall provide the Secretary with an evaluation of the program assisted under this subpart every 2 years. Such evaluation shall include data on—

''(1) post-program placement of persons trained in a program assisted under this subpart;

''(2) how such training relates to the employment of persons served by the program;

''(3) program completion; and

''(4) such other information as the Secretary may require.

"SEC. 7145. USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.

Not more than 10 percent of the funds received under this subpart may be used to develop any program participant's competence in a second language for use in instructional programs.

"Subpart 4—Research, Evaluation, and Dissemination

"SEC. 7151. AUTHORITY.

''The Secretary shall conduct and coordinate, through the Office of Educational Research and Improvement and in coordination with the Office of Educational Services for Limited English Proficient Children, research for the purpose of improving English language and academic content instruction for children who are limited English proficient. Activities under this section shall be limited to research to identify successful models for teaching limited English proficient children English, research to identify successful models for assisting such children to meet challenging State content and student performance standards, and distribution of research results to States for dissemination to schools with populations of students who are limited English proficient. Research conducted under this section may not focus solely on any one method of instruction.

"PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

"SEC. 7201. FINDINGS AND PURPOSE.

''(a) FINDINGS.—The Congress finds that—

''(1) the education of our Nation's children and youth is one of the most sacred government responsibilities;

''(2) local educational agencies have struggled to fund adequately education services; and

''(3) immigration policy is solely a responsibility of the Federal Government.

''(b) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

''(1) provide high-quality instruction to immigrant children and youth; and

''(2) help such children and youth—

''(A) with their transition into American society; and

''(B) meet the same challenging State performance standards expected of all children and youth.

"SEC. 7202. STATE ADMINISTRATIVE COSTS.

''For any fiscal year, a State educational agency may reserve not more than 1.5 percent of the amount allocated to such agency under section 7204 to pay the costs of performing such agency's administrative functions under this part.

"SEC. 7203. WITHHOLDING.

''Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not cause or were not involved in the failure, as the case may be.

"SEC. 7204. STATE ALLOCATIONS.

''(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2000 through 2004 for the purpose set forth in section 7201(b).

''(b) ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in nonpublic elementary or secondary schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of such agencies, and in nonpublic elementary or secondary schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

''(A) at least 500; or

''(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year,

whichever number is less.

''(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

''(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

''(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

''(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

''(e) RESERVATION OF FUNDS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

''(A) At least one-half of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

''(B) Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

''(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 7207.

''(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

"SEC. 7205. STATE APPLICATIONS.

''(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

''(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

''(2) provide assurances that payments under this part will be used for purposes set forth in sections 7201(b) and 7207, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes and will coordinate with other programs assisted under this Act and other Acts as appropriate;

''(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under part A or title I;

''(4) provide assurances that such payments, with the exception of payments reserved under section 7204(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 7204(b)(1);

''(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

''(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

''(7) provide assurances—

''(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

''(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

''(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

''(8) provide that funds reserved under section 7204(e) be awarded on a competitive basis based on merit and need in accordance with such subsection; and

''(9) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

''(b) APPLICATION REVIEW.—

''(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

''(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

''(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State.

''SEC. 7206. ADMINISTRATIVE PROVISIONS.

''(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 7205 of the amount of such agency's allocation under section 7204 for the succeeding year.

''(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 7205(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this part, to such children. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

''SEC. 7207. USES OF FUNDS.

''(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

''(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

''(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

''(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

''(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

''(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

''(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

''(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

''(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

''(d) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

''SEC. 7208. REPORTS.

''(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every two years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

''(b) REPORT TO CONGRESS.—The Secretary shall submit, once every two years, a report to the appropriate committees of the Congress concerning programs assisted under this part in accordance with section 14701.

''SEC. 7209. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $175,000,000 for fiscal year 2000 and such sums as may be necessary for each of the four succeeding fiscal years.

''PART C—ADMINISTRATION

''SEC. 7301. REPORTING REQUIREMENTS.

''(a) STATES.—Based upon the evaluations provided to a State under section 7403, each State receiving a grant under this title annually shall report to the Secretary on programs and activities undertaken by the State under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

''(b) SECRETARY.—Every other year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on programs and activities undertaken by States under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

''SEC. 7302. COORDINATION WITH RELATED PROGRAMS.

''In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies.

''PART D—GENERAL PROVISIONS

''Nothing in subpart 1 or 2 shall be construed to prohibit a local educational agency from serving limited English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

''SEC. 7403. EVALUATION.

''(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State or a grant from the Secretary under part A shall provide the State or the Secretary, at the conclusion of every second fiscal year during which the subgrant or grant is received, with an evaluation, in a form prescribed by the State or the Secretary, of—

''(1) the programs and activities conducted by the entity with funds received under part A during the 2 immediately preceding fiscal years;

''(2) the progress made by students in learning the English language and meeting challenging State content standards and challenging State student performance standards;

''(3) the number and percentage of students in the programs and activities attaining English language proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

''(4) the progress made by students in meeting challenging State content and challenging State performance standards for each of the 2 years after such students are no longer receiving services under this part.

''(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State or the Secretary—

''(1) for improvement of programs and activities;

''(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State content standards and challenging State student performance standards; and

''(3) in determining whether or not to continue funding for specific programs or projects.

''(c) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under subsection (a) shall include—

''(1) an evaluation of whether students enrolling in a program or activity conducted

by the entity with funds received under part A—

''(A) have attained English proficiency and are meeting challenging State content standards and challenging State student performance standards; and

''(B) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, in a classroom that is not tailored to limited English proficient children; and

''(2) such other information as the State or the Secretary may require.

''(d) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under subsection (a), a State or the Secretary shall approve evaluation measures, as applicable, for use under subsection (c) that are designed to assess—

''(1) oral language proficiency in kindergarten;

''(2) oral language proficiency, including speaking and listening skills, in first grade;

''(3) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades two and higher; and

''(4) attainment of challenging State performance standards.

''SEC. 7404. CONSTRUCTION.

''Nothing in part A shall be construed as requiring a State or a local educational agency to establish, continue, or eliminate a program of native language instruction.

''SEC. 7405. LIMITATION ON FEDERAL REGULATIONS.

''The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this title.

''SEC. 7406. LEGAL AUTHORITY UNDER STATE LAW.

''Nothing in this title shall be construed to negate or supersede the legal authority, under State law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the State agency, entity, or official.

''SEC. 7407. CIVIL RIGHTS.

''Nothing in this title shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

''SEC. 7408. RULE OF CONSTRUCTION.

''Nothing in part A shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages.

''SEC. 7409. REPORT.

''The Secretary shall prepare, and submit to the Secretary and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on—

''(1) the activities carried out under this title and the effectiveness of such activities in increasing the English proficiency of limited English proficient children and helping them to meet challenging State content standards and challenging State performance standards;

''(2) the types of instructional programs used under subpart 1 to teach limited English proficient children;

''(3) the number of programs, if any, which were terminated from the program because they were not able to reach program goals; and

''(4) other information gathered as part of the evaluation conducted under section 7403.

''SEC. 7410. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

''Programs authorized under subparts 1 and 2 of this part that serve Native American children, Native Pacific Island children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of this title may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that a primary outcome of programs serving such children shall be increased English proficiency among such children.''.

SEC. 902. CONFORMING AMENDMENT TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) IN GENERAL.—The Department of Education Organization Act is amended by striking ''Office of Bilingual Education and Minority Languages Affairs'' each place such term appears in the text and inserting ''Office of Educational Services for Limited English Proficient Children''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

''OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN''.

(2) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

''SEC. 216. OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN.''.

(3) TABLE OF CONTENTS.—

(A) SECTION 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

''Sec. 209. Office of Educational Services for Limited English Proficient Children.''.

(B) SECTION 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Office of Educational Services for Limited English Proficient Children.''.

MODIFICATION TO AMENDMENT NO. 5 OFFERED BY MR. GOODLING

Mr. GOODLING. Madam Chairman, I ask unanimous consent that the amendment be modified with the modification at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 5, as modified, offered by Mr. GOODLING:

In section 1112(b) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106 of the bill—

(1) in paragraph (10), by striking the ''and'' after the semicolon;

(2) in paragraph (11), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(12) a description of the criteria established by the local educational agency pursuant to section 1119(b)(1).

In section 1112(g) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 106(f) of the bill, strike subparagraph (A) of paragraph (2) and insert the following:

''(A) AGENCY REQUIREMENTS.—

''(i) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

''(I) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

''(II) instruction is tailored for limited English proficient children.

''(ii) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

''(iii) RESPONSE NOT OBTAINED.—

''(I) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document that it has given such notice and its specific efforts made to obtain such consent.

''(II) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described under in clause (i), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the local educational agency shall provide appropriate educational services.

''(III) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this subclause only for children who have not been identified as limited English proficient prior to the beginning of a school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in clause (i). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This subclause shall not be construed as exempting a local educational agency from complying with the requirements of this subparagraph.

In section 1124(c)(1) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) in subparagraph (A), strike ''and'' after the semicolon;

(2) in subparagraph (B), strike the period and insert ''; and''; and

(3) add at the end the following:

''(C) the number of children aged 5 to 17, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (4).''.

In section 1124(c)(4) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 121 of the bill—

(1) insert before the first sentence the following: ''For the purposes of this section, the Secretary shall determine the number of children aged 5 to 17, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments

under a State program funded under part A of title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index for all urban consumers, published by the Bureau of Labor Statistics.'';

(2) in the first sentence after the sentence inserted by paragraph (1)—

(A) insert ''the number of such children and'' after ''determine''; and

(B) insert ''(using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October)'' after ''fiscal year''.

Amend subparagraph (C) of section 1701(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 171 of the bill, to read as follows:

''(C) REALLOCATION.—If a State does not apply for funds under this section, the Secretary shall reallocate such funds to other States that do apply in proportion to the amount allocated to such States under subparagraph (B).''.

In section 5204(a) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), insert ''the design and development of new strategies for overcoming transportation barriers,'' after ''effective public school choice''; and

(2) in paragraph (2)(A), after ''inter-district'' insert ''or intra-district''; and

(3) amend subparagraph (E) to read as follows:

''(E) public school choice programs that augment the existing transportation services necessary to meet the needs of children participating in such programs.''.

In section 5204(b) of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 201 of the bill—

(1) in paragraph (1), after the semicolon insert ''and'';

(2) strike paragraph (2); and

(3) redesignate paragraph (3) as paragraph (2).

In section 9116(c) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 401 of the bill—

(1) insert ''funds for'' after ''(b) shall include''; and

(2) strike '', or portion thereof,'' and insert ''exclusively serving Indian children or the funds reserved under any program to exclusively serve Indian children''.

In section 15004(a)(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 301 of the bill, strike ''state, or federal laws, rules or regulations'' and insert ''State, and Federal laws, rules and regulations''.

In section 1121(c)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''1 year'' and insert ''2 years''.

In the heading for section 1123 of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, insert ''**codification of**'' before ''**regulations**''.

In section 1126(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''maintenance to schools'' and insert ''maintenance of schools''.

In the heading for section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''GENERAL'' and all that follows through the semicolon.

In section 1138(b)(2) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike ''Regulations required'' and all that follows through ''Such regulations shall'' and insert ''Regulations issued to implement this Act shall''.

In section 1138A(b)(1) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, strike '', provided that the'' and all that follow through the end of the paragraph and insert a period.

In section 1138A(b) of the Education Amendments of 1978, as proposed to be amended by section 410 of the bill, redesignate paragraph (2) as paragraph (3), and insert the following new paragraph (2) after paragraph (1):

''(2) NOTIFICATION TO CONGRESS.—If draft regulations implementing this part and the Tribally Controlled Schools Act of 1988 are not issued in final form by the deadline provided in paragraph (1), the Secretary shall notify the appropriate committees of Congress of which draft regulations were not issued in final form by the deadline and the reason such final regulations were not issued.

In section 5209(a) of Public Law 100–297, as proposed to be amended by section 420 of the bill—

(1) strike ''106(f)'' and insert ''106(e)'';

(2) strike ''106(j)'' and insert ''106(i)''; and

(3) strike ''106(k)'' and insert ''106(j)''.

In section 722(g)(3)(C) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(C)), as proposed to be amended by section 704 of the bill—

(1) in clause (i), strike ''Except as provided in clause (iii), a'' and insert ''A''; and

(2) amend clause (iii) to read as follows:

''(iii) ''If the child or youth needs to obtain immunizations or immunization records, the enrolling school shall immediately refer the parent or guardian of the child or youth to the liaison who shall assist in obtaining necessary immunizations or immunization records in accordance with subparagraph (E).''

In section 722(g)(3)(E)(i) of the Stewart B. McKinney Homeless Education Assistance Act (42 U.S.C. 11432(g)(3)(E)(i)), as proposed to be amended by section 704 of the bill, strike ''except as provided in subparagraph (C)(iii),''.

At the end of the bill, add the following:

TITLE IX—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

SEC. 901. PROGRAMS AUTHORIZED.

Title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended to read as follows:

''TITLE VII—EDUCATION OF LIMITED ENGLISH PROFICIENT CHILDREN AND EMERGENCY IMMIGRANT EDUCATION

''PART A—ENGLISH LANGUAGE EDUCATION

''SEC. 7101. SHORT TITLE.

''This part may be cited as the 'English Language Proficiency and Academic Achievement Act'.

''SEC. 7102. FINDINGS AND PURPOSES.

''(a) FINDINGS.—The Congress finds that—

''(1) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential;

''(2) limited English proficient children must overcome a number of challenges in receiving an education in order to enable such children to participate fully in American society, including—

''(A) segregated education programs;

''(B) disproportionate and improper placement in special education and other special programs due to the use of inappropriate evaluation procedures;

''(C) the limited English proficiency of their own parents, which hinders the parents' ability to fully participate in the education of their children; and

''(D) a need for additional teachers and other staff who are professionally trained and qualified to serve such children;

''(3) States and local educational agencies need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to children who need special assistance because English is not their dominant language;

''(4) Native Americans and Native American languages (as such terms are defined in section 103 of the Native American Languages Act), including native residents of the outlying areas, have a unique status under Federal law that requires special policies within the broad purposes of this Act to serve the education needs of language minority students in the United States;

''(5) the Federal Government, as exemplified by title VI of the Civil Rights Act of 1964 and section 204(f) of the Equal Education Opportunities Act of 1974, has a special and continuing obligation to ensure that States and local educational agencies take appropriate action to provide equal educational opportunities to children of limited English proficiency; and

''(6) research, evaluation, and data collection capabilities in the field of instruction for limited English proficient children need to be strengthened so that educators and other staff teaching limited English proficient children in the classroom can better identify and promote programs, program implementation strategies, and instructional practices that result in the effective education of limited English proficient children.

''(b) PURPOSES.—The purposes of this part are—

''(1) to help ensure that children who are limited English proficient attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging State content standards and challenging State student performance standards expected of all children; and

''(2) to develop high quality programs designed to assist local educational agencies in teaching limited English proficient children.

''SEC. 7103. PARENTAL NOTIFICATION AND CONSENT FOR ENGLISH LANGUAGE INSTRUCTION.

''(a) NOTIFICATION.—If a local educational agency uses funds under this part to provide English language instruction to limited English proficient children, the agency shall inform a parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under this part of—

''(1) the reasons for the identification of the child as being in need of English language instruction;

''(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement;

''(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation;

''(4) what the specific exit requirements are for the program;

''(5) the expected rate of transition from the program into a classroom that is not tailored for limited English proficient children; and

''(6) the expected rate of graduation from high school for the program if funds under this part are used for children in secondary schools.

''(b) CONSENT.—

''(1) AGENCY REQUIREMENTS.—

''(A) INFORMED CONSENT.—For a child who has been identified as limited English proficient prior to the beginning of the school year, each local educational agency that receives funds under this part shall obtain informed parental consent prior to the placement of a child in an English language instruction program for limited English proficient children funded under this part, if—

''(i) the program does not include classes which exclusively or almost exclusively use the English language in instruction; or

''(ii) instruction is tailored for limited English proficient children.

''(B) WRITTEN CONSENT NOT OBTAINED.—If written consent is not obtained, the local educational agency shall maintain a written record that includes the date and the manner in which such informed consent was obtained.

''(C) RESPONSE NOT OBTAINED.—

''(i) IN GENERAL.—If a response cannot be obtained after a reasonable and substantial effort has been made to obtain such consent, the local educational agency shall document that it has given such notice and its specific efforts made to obtain such consent.

''(ii) DELIVERY OF PROOF OF DOCUMENTATION.—The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child prior to placing the child in a program described in subparagraph (A), and shall include a final notice requesting parental consent for such services. After such documentation has been mailed or delivered in writing, the local educational agency shall provide appropriate educational services.

''(iii) SPECIAL RULE APPLICABLE DURING SCHOOL YEAR.—A local educational agency may obtain parental consent under this clause only for children who have not been identified as limited English proficient prior to the beginning of a school year. For such children the agency shall document, in writing, its specific efforts made to obtain such consent prior to placing the child in a program described in subparagraph (A). After such documentation has been made, the local educational agency shall provide appropriate educational services to such child. The proof of documentation shall be mailed or delivered in writing to the parents or guardian of the child in a timely manner and shall include information on how to have their child immediately removed from the program upon their request. This clause shall not be construed as exempting a local educational agency from complying with the requirements of this paragraph.

''(2) PARENTAL RIGHTS.—A parent or the parents of a child participating in an English language instruction program for limited English proficient children assisted under subpart 1 or 2 shall—

''(A) select among methods of instruction, if more than one method is offered in the program; and

''(B) have the right to have their child immediately removed from the program upon their request.

''(c) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for limited English proficient children assisted under this part shall receive, in a manner and form understandable to the parent or parents, the information required by this subsection. At a minimum, the parent or parents shall receive—

''(1) timely information about English language instruction programs for limited English proficient children assisted under this part;

''(2) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents; and

''(3) procedural information for removing a child from a program for limited English proficient children.

''(d) BASIS FOR ADMISSION OR EXCLUSION.—Students shall not be admitted to or excluded from any federally assisted education program on the basis of a surname or language-minority status.

''SEC. 7104. TESTING OF LIMITED ENGLISH PROFICIENT CHILDREN.

''(a) IN GENERAL.—Assessments of limited English proficient children participating in programs funded under this part, to the extent practicable, shall be in the language and form most likely to yield accurate and reliable information on what such students know and can do in content areas.

''(b) SPECIAL RULE.—Notwithstanding subsection (a), in the case of an assessment of reading or language arts of any student who has attended school in the United States (excluding Puerto Rico) for 3 or more consecutive school years, the assessment shall be in the form of a test written in English, except that, if the local educational agency determines, on a case-by-case individual basis, that assessments in another language and form would likely yield more accurate and reliable information on what such students know and can do, the local educational agency may assess such students in the appropriate language other than English for 1 additional year.

''SEC. 7105. CONDITIONS ON EFFECTIVENESS OF SUBPARTS 1 AND 2.

''(a) SUBPART 1.—Subpart 1 shall be in effect only for a fiscal year for which subpart 2 is not in effect.

''(b) SUBPART 2.—

''(1) IN GENERAL.—Subpart 2 shall be in effect only for—

''(A) the first fiscal year for which the amount appropriated to carry out this part equals or exceeds $220,000,000; and

''(B) all succeeding fiscal years.

''(2) CONTINUATION OF AWARDS.—Notwithstanding any other provision of this part, a State receiving a grant under subpart 2 shall provide 1 additional year of funding to eligible entities in accordance with section 7133(3).

''SEC. 7106. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) SUBPART 1 OR 2.—Subject to section 7105, for the purpose of carrying out subpart 1 or 2, as applicable, there are authorized to be appropriated $220,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

''(b) SUBPART 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated $60,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

''(c) SUBPART 4.—For the purpose of carrying out subpart 4, there are authorized to be appropriated $16,000,000 for fiscal year 2000 and such sums as may be necessary for the 4 succeeding fiscal years.

''Subpart 1—Discretionary Grant Program

''SEC. 7111. FINANCIAL ASSISTANCE FOR PROGRAMS FOR LIMITED ENGLISH PROFICIENT CHILDREN.

''The purpose of this subpart is to assist local educational agencies, institutions of higher education, and community-based organizations, through the grants authorized under section 7112, to—

''(1) develop and enhance their capacity to provide high-quality instruction through English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children; and

''(2) help such children—

''(A) develop proficiency in English; and

''(B) meet the same challenging State content standards and challenging State student performance standards expected for all children as required by section 1111(b).

''SEC. 7112. FINANCIAL ASSISTANCE FOR INSTRUCTIONAL SERVICES.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—In accordance with section 7105, before the amount appropriated to carry out this part for a fiscal year equals or exceeds $220,000,000, the Secretary is authorized to award grants to eligible entities having applications approved under section 7114 to enable such entities to carry out activities described in subsection (b).

''(2) LENGTH OF GRANT.—Each grant under this section shall be awarded for a period of time to be determined by the Secretary based on the type of grant for which the eligible entity applies.

''(b) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards using scientifically-based research approaches and methodologies, by—

''(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

''(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

''(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

''(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.

''(c) USES OF FUNDS.—Grants under this section may be used—

''(1) to upgrade program objectives and effective instructional strategies;

''(2) to improve the instruction program for limited English proficient students by

identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures;

''(3) to provide—

''(A) tutorials and academic or vocational education for limited English proficient children; and

''(B) intensified instruction;

''(4) to develop and implement comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services;

''(5) to provide professional development to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children;

''(6) to improve the English language proficiency and academic performance of limited English proficient children;

''(7) to improve the instruction of limited English proficient children by providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart;

''(8) to develop tutoring programs for limited English proficient children that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among limited English proficient children, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for limited English proficient children;

''(9) to provide family literacy services and parent outreach and training activities to limited English proficient children and their families to improve their English language skills and assist parents in helping their children to improve their academic performance; and

''(10) to undertake other activities that are consistent with the purposes of this subpart.

''(d) SPECIAL RULE.—A grant recipient, before carrying out a program assisted under this section, shall plan, train personnel, develop curricula, and acquire or develop materials.

''(e) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

''(1) 1 or more local educational agencies; or

''(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or local or State educational agency.

''SEC. 7113. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

''(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, an Indian tribe, a tribally sanctioned educational authority, a Native Hawaiian or Native American Pacific Islander native language education organization, or an elementary or secondary school that is operated or funded by the Bureau of Indian Affairs shall be considered to be a local educational agency as such term is used in this subpart, subject to the following qualifications:

''(1) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized for the special programs and services provided by the United States to Indians because of their status as Indians.

''(2) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

''(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

''(B) any nonprofit institution or organization that is—

''(i) chartered by the governing body of an Indian tribe to operate any such school or otherwise to oversee the delivery of educational services to members of that tribe; and

''(ii) approved by the Secretary for the purpose of this section.

''(b) ELIGIBLE ENTITY APPLICATION.—Notwithstanding any other provision of this subpart, each eligible entity described in subsection (a) shall submit any application for assistance under this subpart directly to the Secretary along with timely comments on the need for the proposed program.

''SEC. 7114. APPLICATIONS.

''(a) IN GENERAL.—

''(1) SECRETARY.—To receive a grant under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

''(2) STATE EDUCATIONAL AGENCY.—An eligible entity, with the exception of schools funded by the Bureau of Indian Affairs, shall submit a copy of its application under this section to the State educational agency.

''(b) REQUIRED DOCUMENTATION.—Such application shall include documentation that the applicant has the qualified personnel required to develop, administer, and implement the proposed program.

''(c) CONTENTS.—

''(1) IN GENERAL.—An application for a grant under this subpart shall contain the following:

''(A) A description of the need for the proposed program, and a comprehensive description of the characteristics relevant to the children being served.

''(B) An assurance that, if the applicant includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year.

''(C) A description of the program to be implemented and how such program's design—

''(i) relates to the English language and academic needs of the children of limited English proficiency to be served;

''(ii) is coordinated with other programs under this Act and other Acts, as appropriate, in accordance with section 14306;

''(iii) involves the parents of the children of limited English proficiency to be served;

''(iv) ensures accountability in achieving high academic standards; and

''(v) promotes coordination of services for the children of limited English proficiency to be served and their families.

''(D) A description, if appropriate, of the applicant's collaborative activities with institutions of higher education, community-based organizations, local or State educational agencies, private schools, nonprofit organizations, or businesses in carrying out the proposed program.

''(E) An assurance that the applicant will not reduce the level of State and local funds that the applicant expends for programs for limited English proficient children if the applicant receives an award under this subpart.

''(F) An assurance that the applicant will employ teachers in the proposed program who are proficient in English, including written and oral communication skills, and another language, if appropriate.

''(G) A budget for grant funds.

''(H) A description, if appropriate of how the applicant annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart.

''(2) ADDITIONAL INFORMATION.—Each applicant for a grant under section 7112 who intends to use the grant for a purpose described in paragraph (3) or (4) of subsection (b) of such section—

''(A) shall describe—

''(i) how services provided under this subpart are supplementary to existing services;

''(ii) how funds received under this subpart will be integrated, as appropriate, with all other Federal, State, local, and private resources that may be used to serve children of limited English proficiency;

''(iii) specific achievement and school retention goals for the children to be served by the proposed program and how progress toward achieving such goals will be measured; and

''(iv) current family literacy programs if applicable; and

''(B) shall provide assurances that the program funded will be integrated with the overall educational program.

''(d) APPROVAL OF APPLICATIONS.—An application for a grant under this subpart may be approved only if the Secretary determines that—

''(1) the program will use qualified personnel, including personnel who are proficient in English and other languages used in instruction, if appropriate.

''(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the program is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children;

''(3) student evaluation and assessment procedures in the program are valid, reliable, and fair for limited English proficient students, and that limited English proficient students who are disabled are identified and served in accordance with the requirements of the Individuals with Disabilities Education Act;

''(4) Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of such Federal funds, would have been expended for special programs for limited English proficient children and in no case to supplant such State and local funds, except that nothing in this paragraph shall be construed to preclude a local educational agency from using funds under this title for activities carried out under an order of a court of the United States or of any State respecting services to be provided such children, or to carry out a plan approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 with

respect to services to be provided such children; and

''(5) the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of students of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under this subpart is reduced or no longer available.

''(e) CONSIDERATION.—In approving applications under this subpart, the Secretary shall give consideration to the degree to which the program for which assistance is sought involves the collaborative efforts of institutions of higher education, community-based organizations, the appropriate local and State educational agency, or businesses.

''SEC. 7115. INTENSIFIED INSTRUCTION.

''In carrying out this subpart, each grant recipient may intensify instruction for limited English proficient students by—

''(1) expanding the educational calendar of the school in which such student is enrolled to include programs before and after school and during the summer months;

''(2) applying technology to the course of instruction; and

''(3) providing intensified instruction through supplementary instruction or activities, including educationally enriching extracurricular activities, during times when school is not routinely in session.

''SEC. 7116. CAPACITY BUILDING.

''Each recipient of a grant under this subpart shall use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in achieving the same high levels of academic achievement as other children, once Federal assistance is reduced or eliminated.

''SEC. 7117. SUBGRANTS.

''A local educational agency that receives a grant under this subpart may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out an approved program, including a program to serve out-of-school youth.

''SEC. 7118. SPECIAL CONSIDERATION.

''The Secretary shall give special consideration to applications under this subpart that describe a program that—

''(1) enrolls a large percentage or large number of limited English proficient students;

''(2) takes into account significant increases in limited English proficient children, including such children in areas with low concentrations of such children; and

''(3) ensures that activities assisted under this subpart address the needs of school systems of all sizes and geographic areas, including rural and urban schools.

''SEC. 7119. COORDINATION WITH OTHER PROGRAMS.

''In order to secure the most flexible and efficient use of Federal funds, any State receiving funds under this subpart shall coordinate its program with other programs under this Act and other Acts, as appropriate, in accordance with section 14306.

''SEC. 7120. NOTIFICATION.

''The State educational agency, and when applicable, the State board for postsecondary education, shall be notified within 3 working days of the date an award under this subpart is made to an eligible entity within the State.

''SEC. 7121. STATE GRANT PROGRAM.

''(a) STATE GRANT PROGRAM.—The Secretary is authorized to make an award to a State educational agency that demonstrates, to the satisfaction of the Secretary, that such agency, through such agency's own programs and other Federal education programs, effectively provides for the education of children of limited English proficiency within the State.

''(b) PAYMENTS.—The amount paid to a State educational agency under subsection (a) shall not exceed 5 percent of the total amount awarded to local educational agencies within the State under subpart 1 for the previous fiscal year, except that in no case shall the amount paid by the Secretary to any State educational agency under this subsection for any fiscal year be less than $100,000.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—A State educational agency shall use funds awarded under this section for programs authorized by this section—

''(A) to assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation; and

''(B) to collect data on the State's limited English proficient populations and the educational programs and services available to such populations.

''(2) EXCEPTION.—States that do not, as of the date of enactment of the Student Results Act of 1999, have in place a system for collecting the data described in paragraph (1)(B) for all students in such State, are not required to meet the requirement of such paragraph. In the event such State develops a system for collecting data on the educational programs and services available to all students in the State, then such State shall comply with the requirement of paragraph (1)(B).

''(3) TRAINING.—The State educational agency may also use funds provided under this section for the training of State educational agency personnel in educational issues affecting limited English proficient children.

''(4) SPECIAL RULE.—Recipients of funds under this section shall not restrict the provision of services under this section to federally funded programs.

''(d) APPLICATIONS.—A State educational agency desiring to receive funds under this section shall submit an application to the Secretary in such form, at such time, and containing such information and assurances as the Secretary may require.

''(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section for any fiscal year shall be used by the State educational agency to supplement and, to the extent practical, to increase to the level of funds that would, in the absence of such funds, be made available by the State for the purposes described in this section, and in no case to supplant such funds.

''(f) REPORT TO THE SECRETARY.—State educational agencies receiving awards under this section shall provide for the annual submission of a summary report to the Secretary describing such State's use of such funds.

''Subpart 2—Formula Grant Program

''SEC. 7131. FORMULA GRANTS TO STATES.

''(a) IN GENERAL.—In accordance with section 7105, after the amount appropriated to carry out this part for a fiscal year equals or exceeds $220,000,000, in the case of each State that in accordance with section 7133 submits to the Secretary an application for a fiscal year, after reserving funds under subsection (b), the Secretary shall make a grant for the year to the State for the purposes specified in subsection (c). The grant shall consist of the allotment determined for the State under section 7135.

''(b) RESERVATION.—From the amount appropriated to carry out this part for any fiscal year, the Secretary shall reserve not less than .5 percent to provide Federal financial assistance under this subpart to entities that are considered to be a local educational agency under section 7113(a).

''(c) PURPOSES OF GRANTS.—

''(1) REQUIRED EXPENDITURES.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 95 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to limited English proficient children in accordance with section 7134.

''(2) AUTHORIZED EXPENDITURES.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 5 percent of the amount of the funds provided under the grant for one or more of the following purposes:

''(A) Professional development and activities that assist personnel in meeting State and local certification requirements for English language instruction.

''(B) Planning, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

''(C) Providing technical assistance and other forms of assistance to local educational agencies that—

''(i) educate limited English proficient children; and

''(ii) are not receiving a subgrant from a State under this subpart.

''(D) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children enrolled in the subgrantee's programs and activities attain English language proficiency and meet challenging State content standards and challenging State student performance standards.

''(3) LIMITATION ON ADMINISTRATIVE COSTS.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend not more than 2 percent of the amount of the funds provided under the grant for the purposes described in paragraph (2)(B).

''SEC. 7132. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

''(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children, the following shall be considered to be a local educational agency:

''(1) An Indian tribe.

''(2) A tribally sanctioned educational authority.

''(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

''(4) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

''(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

''(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

''(b) SUBMISSION OF APPLICATIONS FOR ASSISTANCE.—Notwithstanding any other provision of this subpart, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a grant under this subpart on the same basis as any other local educational agency.

''SEC. 7133. APPLICATIONS BY STATES.

''For purposes of section 7131, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

''(1) describes the process that the State will use in making subgrants to eligible entities under this subpart;

''(2) contains an agreement that the State annually will submit to the Secretary a summary report, describing the State's use of the funds provided under the grant;

''(3) contains an agreement that the State—

''(A) will provide 1 year of funding for an application for a subgrant under section 7134 from an eligible entity that describes a program that, on the day preceding the date of the enactment of the Student Results Act of 1999, was receiving funding under a grant—

''(i) awarded by the Secretary under subpart 1 or 3 of part A of the Bilingual Education Act (as such Act was in effect on such day); and

''(ii) that was not under its terms due to expire before a period of 1 year or more had elapsed; and

''(B) after such 1-year extension, will give special consideration to such applications if the period of their award would not yet otherwise have expired if the Student Results Act of 1999 had not been enacted.

''(4) contains an agreement that, in carrying out this subpart, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

''(5) contains an agreement that subgrants to eligible entities under section 7134 shall be of sufficient size and scope to allow such entities to carry out high quality education programs for limited English proficient children;

''(6) contains an agreement that the State will coordinate its programs and activities under this subpart with its other programs and activities under this Act and other Acts, as appropriate;

''(7) contains an agreement that the State—

''(A) shall monitor the progress of students enrolled in programs and activities receiving assistance under this subpart in attaining English proficiency and in attaining challenging State content standards and challenging State performance standards;

''(B) subject to subparagraph (C), after the 1-year period described in such subparagraph, shall withdraw funding from such programs and activities in cases where the majority of students are not attaining English proficiency and attaining challenging State content standards and challenging State performance standards after 3 academic years of enrollment based on the evaluation measures in section 7403(d); and

''(C) shall provide technical assistance to eligible entities that fail to satisfy the criterion in subparagraph (B) for 1 year prior to the withdrawal of funding under such subparagraph;

''(8) contains an assurance that the State will require eligible entities receiving a subgrant under section 7134 annually to assess the English proficiency of all children with limited English proficiency participating in a program funded under this subpart; and

''(9) contains an agreement that States will require eligible entities receiving a grant under this subpart to use the grant in ways that will build such recipient's capacity to continue to offer high-quality English language instruction and programs which assist limited English proficient children in attaining challenging State content standards and challenging State performance standards once assistance under this subpart is no longer available.

''SEC. 7134. SUBGRANTS TO ELIGIBLE ENTITIES.

''(a) PURPOSES OF SUBGRANTS.—A State may make a subgrant to an eligible entity from funds received by the State under this subpart only if the entity agrees to expend the funds to improve the education of limited English proficient children and their families, through the acquisition of English and the attainment of challenging State academic content standards and challenging State performance standards, using scientifically-based research approaches and methodologies, by—

''(1) developing and implementing new English language and academic content instructional programs for children who are limited English proficient, including programs of early childhood education and kindergarten through 12th grade education;

''(2) carrying out highly focused, innovative, locally designed projects to expand or enhance existing English language and academic content instruction programs for limited English proficient children;

''(3) implementing, within an individual school, schoolwide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students; or

''(4) implementing, within the entire jurisdiction of a local educational agency, agency-wide programs for restructuring, reforming, and upgrading all relevant programs and operations relating to English language and academic content instruction for limited English proficient students.÷

''(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—

''(1) IN GENERAL.—Subject to paragraph (2), a State may make a subgrant to an eligible entity from funds received by the State under this subpart in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities to improve the understanding, and use, of the English language, based on a child's learning skills:

''(A) Upgrading program objectives and effective instructional strategies.

''(B) Improving the instruction program for limited English proficient students by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures.

''(C) Providing—

''(i) tutorials and academic or vocational education for limited English proficient children; and

''(ii) intensified instruction.

''(D) Developing and implementing comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

''(E) Providing professional development to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children who are limited English proficient children.

''(F) Improving the English language proficiency and academic performance of limited English proficient children.

''(G) Improving the instruction of limited English proficient children by providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

''(H) Developing tutoring programs for limited English proficient children that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among limited English proficient children, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for limited English proficient children.

''(I) Providing family literacy services and parent outreach and training activities to limited English proficient children and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

''(J) Other activities that are consistent with the purposes of this subpart.

''(2) MOVING CHILDREN OUT OF SPECIALIZED CLASSROOMS.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this subpart shall be designed to assist students enrolled in the program or activity to attain English proficiency and meet challenging State content standards and challenging State performance standards as soon as possible and to move into a classroom where instruction is not tailored for limited English proficient children.

''(c) SELECTION OF METHOD OF INSTRUCTION.—To receive a subgrant from a State under this subpart, an eligible entity shall select one or more methods or forms of instruction to be used in the programs and activities undertaken by the entity to assist limited English proficient children to attain English proficiency and meet challenging State content standards and challenging State student performance standards. Such selection shall be consistent with sections 7406 and 7407.

''(d) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State under this section shall be determined by the State in its discretion.

''(e) APPLICATIONS BY ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—To receive a subgrant from a State under this subpart, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

''(2) REQUIRED DOCUMENTATION.—The application shall describe the programs and activities proposed to be developed, implemented, and administered under the subgrant and shall provide an assurance that the applicant will only employ teachers and other personnel for the proposed programs and activities who are proficient in English, including written and oral communication skills.

''(3) REQUIREMENTS FOR APPROVAL.—A State may approve an application submitted by an eligible entity for a subgrant under this subpart only if the State determines that—

''(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English to children who are limited English proficient;

''(B) if the eligible entity includes one or more local educational agencies, each such agency is complying with section 7103(b) prior to, and throughout, each school year;

''(C) the eligible entity annually will assess the English proficiency of all children with limited English proficiency participating in programs funded under this subpart;

''(D) the eligible entity has based its proposal on sound research and theory;

''(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be fluent in English after 3 academic years of enrollment;

''(F) the eligible entity will ensure that programs will enable children to speak, read, write, and comprehend the English language and meet challenging State content and challenging State performance standards; and

''(G) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of limited English proficient children, consistent with sections 7406 and 7407.

''(4) QUALITY.—In determining which applications to select for approval, a State shall consider the quality of each application and ensure that it is of sufficient size and scope to meet the purposes of this subpart.

''(f) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

''(1) 1 or more local educational agencies; or

''(2) 1 or more local educational agencies in collaboration with an institution of higher education, community-based organization, or local or State educational agency.

''SEC. 7135. DETERMINATION OF AMOUNT OF ALLOTMENT.

''(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), from the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sum as the total number of children who are limited English proficient and who reside in the State bears to the total number of such children residing in all States (excluding the Commonwealth of Puerto Rico and the outlying areas) that, in accordance with section 7133, submit to the Secretary an application for the year.

''(b) PUERTO RICO.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 1.5 percent of the sums appropriated under section 7106(a).

''(c) OUTLYING AREAS.—

''(1) TOTAL AVAILABLE FOR ALLOTMENT.—From the sum available for the purpose of making grants to States under this subpart for any fiscal year, the Secretary shall allot to the outlying areas, in accordance with paragraph (2), a total amount equal to .5 percent of the sums appropriated under section 7106(a).

''(2) DETERMINATION OF INDIVIDUAL AREA AMOUNTS.—From the total amount determined under paragraph (1), the Secretary shall allot to each outlying area an amount which bears the same ratio to such amount as the total number of children who are limited English proficient and who reside in the outlying area bears to the total number of such children residing in all outlying areas that, in accordance with section 7133, submit to the Secretary an application for the year.

''(d) MINIMUM ALLOTMENT.—

''(1) IN GENERAL.—Notwithstanding subsections (a) through (c), and subject to section 7105, the Secretary shall not allot to any State, for fiscal years 2000 through 2004, an amount that is less than 100 percent of the baseline amount for the State.

''(2) BASELINE AMOUNT DEFINED.—For purposes of this subsection, the term 'baseline amount', when used with respect to a State, means the total amount received under this part for fiscal year 2000 by the State, the State educational agency, and all local educational agencies of the State.

''(3) RATABLE REDUCTION.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

''(e) USE OF STATE DATA FOR DETERMINATIONS.—For purposes of subsections (a) and (c), any determination of the number of children who are limited English proficient and reside in a State shall be made using the most recent limited English proficient school enrollment data available to, and reported to the Secretary by, the State. The State shall provide assurances to the Secretary that such data are valid and reliable.

''(f) NO REDUCTION PERMITTED BASED ON TEACHING METHOD.—The Secretary may not reduce a State's allotment based on the State's selection of the immersion method of instruction as its preferred method of teaching the English language to children who are limited English proficient.

''SEC. 7136. DISTRIBUTION OF GRANTS TO ELIGIBLE ENTITIES.

''Of the amount required to be expended by a State for subgrants to eligible entities—

''(1) at least one-half shall be allocated to eligible entities that enroll a large percentage or a large number of children who are limited English proficient, as determined based on the relative enrollments of such children enrolled in the eligible entities; and

''(2) the remainder shall be allocated on a competitive basis to—

''(A) eligible entities within the State to address a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children who are limited English proficient in a school or local educational agency, including schools and agencies in areas with low concentrations of such children; and

''(B) other eligible entities serving limited English proficient children.

''SEC. 7137. SPECIAL RULE ON PRIVATE SCHOOL PARTICIPATION.

For purposes of this Act, this subpart shall be treated as a covered program, as defined in section 14101(10).

''Subpart 3—Professional Development

''SEC. 7141. PURPOSE.

''The purpose of this subpart is to assist in preparing educators to improve educational services for limited English proficient children by supporting professional development programs primarily aimed at improving and developing the skills of instructional staff in elementary and secondary schools and on assisting limited English proficient children to attain English proficiency and meet challenging State academic content standards and challenging State performance standards.

''SEC. 7142. PROFESSIONAL DEVELOPMENT AND FELLOWSHIPS.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to award grants, as appropriate, to local educational agencies, institutions of higher education, State educational agencies, public and private organizations in consortium with a local educational agency, or a consortium of such agencies or institutions, except that any such consortium shall include a local educational agency.

''(2) GRANT PURPOSE.—Grants awarded under this section shall be used for one or more of the following purposes:

''(A) To develop and provide ongoing inservice professional development, including professional development necessary to receive certification as a teacher of limited English proficient children, for teachers of limited English proficient children, school administrators and, if appropriate, pupil services personnel, and other educational personnel who are involved in, or preparing to be involved in, the provision of educational services to limited English proficient children.

''(B) To provide for the incorporation of courses and curricula on appropriate and effective instructional and assessment methodologies, strategies, and resources specific to limited English proficient students into in-service professional development programs for teachers, administrators and, if appropriate, pupil services personnel, and other educational personnel in order to prepare such individuals to provide effective services to limited English proficient students.

''(C) To upgrade the qualifications and skills of teachers to ensure that they are fully qualified (as defined by section 1610) and meet high professional standards, including certification and licensure as a teacher of limited English proficient students.

''(D) To upgrade the qualifications and skills of paraprofessionals to ensure they meet the requirements under section 1119 and meet high professional standards to assist, as appropriate, teachers who instruct limited English proficient students.

''(E) To train secondary school students as teachers of limited English proficient children and to train, as appropriate, other education personnel to serve limited English proficient students.

''(F) To award fellowships for—

''(i) study in such areas as teacher training, program administration, research and evaluation, and curriculum development, at the master's, doctoral, or post-doctoral degree level, related to instruction of children and youth of limited English proficiency; and

''(ii) the support of dissertation research related to such study.

''(G) To recruit elementary and secondary school teachers of limited English proficient children.

''(b) DURATION AND LIMITATION.—

''(1) GRANT PERIOD.—Each grant under this section shall be awarded for a period of not more than 5 years.

''(2) LIMITATION.—Not more than 15 percent of the amount of the grant may be expended for the purposes described in subparagraphs (F) and (G) of subsection (a)(2).

''(c) PROFESSIONAL DEVELOPMENT REQUIREMENTS.—

''(1) ACTIVITIES.—A recipient of a grant under this section may use the grant funds

for the following professional development activities:

''(A) Designing and implementing of induction programs for new teachers, including mentoring and coaching by trained teachers, team teaching with experienced teachers, compensation for, and availability of, time for observation of, and consultation with, experienced teachers, and compensation for, and availability of, additional time for course preparation.

''(B) Implementing collaborative efforts among teachers to improve instruction in reading and other core academic areas for students with limited English proficiency, including programs that facilitate teacher observation and analysis of fellow teachers' classroom practice.

''(C) Supporting long-term collaboration among teachers and outside experts to improve instruction of limited English proficient students.

''(D) Coordinating project activities with other programs, such as those under the Head Start Act, and titles I and II of this Act, and titles II and V of the Higher Education Act of 1965.

''(E) Developing curricular materials and assessments for teachers that are aligned with State and local standards and the needs of the limited English proficient students to be served.

''(F) Instructing teachers and, where appropriate, other personnel working with limited English children on how—

''(i) to utilize test results to improve instruction for limited English proficient children so the children can meet the same challenging State content standards and challenging State performance standards as other students; and

''(ii) to help parents understand the results of such assessments.

''(G) Contracting with institutions of higher education to allow them to provide inservice training to teachers, and, where appropriate, other personnel working with limited English proficient children to improve the quality of professional development programs for limited English proficient students.

''(H) Such other activities as are consistent with the purpose of this section.

''(2) ADDITIONAL REQUIREMENTS FOR PROFESSIONAL DEVELOPMENT FUNDS.—Uses of funds received under this section for professional development—

''(A) shall advance teacher understanding of effective instructional strategies based on scientifically based research for improving student achievement;

''(B) shall be of sufficient intensity and duration (not to include 1-day or short-term workshops and conferences) to have a positive and lasting impact on teachers' performance in the classroom;

''(C) shall be developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under subparts 1 and 2 of part A; and

''(D) as a whole, shall be regularly evaluated for their impact on increased teacher effectiveness and improved student achievement, with the findings of such evaluations used to improve the quality of professional development.

''(d) FELLOWSHIP REQUIREMENTS.—

''(1) IN GENERAL.—Any person receiving a fellowship under subsection (a)(2)(F) shall agree—

''(A) to work as a teacher of limited English proficient children, or in a program or an activity funded under this part, for a period of time equivalent to the period of time during which the person receives such fellowship; or

''(B) to repay the amount received pursuant to the fellowship award.

''(2) REGULATIONS.—The Secretary shall establish in regulations such terms and conditions for agreements under paragraph (1) as the Secretary deems reasonable and necessary and may waive the requirement of such paragraph in extraordinary circumstances.

''(3) PRIORITY.—In awarding fellowships under this section, the Secretary shall give priority to fellowship applicants applying for study or dissertation research at institutions of higher education that have demonstrated a high level of success in placing fellowship recipients into employment in elementary and secondary schools.

''(4) INFORMATION.—The Secretary shall include information on the operation and the number of fellowships awarded under this section in the evaluation required under section 7145.

''SEC. 7143. APPLICATION.

''(a) IN GENERAL.—

''(1) SUBMISSION TO SECRETARY.—In order to receive a grant under section 7142, an agency, institution, organization, or consortium described in subsection (a)(1) of such section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require.

''(2) CONTENTS.—Each such application shall include—

''(A) a description of the proposed professional development or graduate fellowship programs to be implemented with the grant;

''(B) a description of the scientific research on which the program or programs are based; and

''(C) an assurance that funds will be used to supplement and not supplant other professional development activities that affect the teaching and learning in elementary and secondary schools, as appropriate.

''(b) APPROVAL.—The Secretary shall only approve an application under this section if it meets the requirements of this section and is of sufficient quality to meet the purposes of this subpart.

''(c) SPECIAL RULES.—

''(1) OUTREACH AND TECHNICAL ASSISTANCE.—The Secretary shall provide for outreach and technical assistance to institutions of higher education eligible for assistance under titles III and V of the Higher Education Act of 1965 and institutions of higher education that are operated or funded by the Bureau of Indian Affairs to facilitate the participation of such institutions under this subpart.

''(2) DISTRIBUTION.—In making awards under this subpart, the Secretary shall ensure adequate representation of Hispanic-serving institutions (as defined in section 502 of the Higher Education Act of 1965) that demonstrate competence and experience in the programs and activities authorized under this subpart and are otherwise qualified.

''SEC. 7144. PROGRAM EVALUATIONS.

''Each recipient of funds under this subpart shall provide the Secretary with an evaluation of the program assisted under this subpart every 2 years. Such evaluation shall include data on—

''(1) post-program placement of persons trained in a program assisted under this subpart;

''(2) how such training relates to the employment of persons served by the program;

''(3) program completion; and

''(4) such other information as the Secretary may require.

''SEC. 7145. USE OF FUNDS FOR SECOND LANGUAGE COMPETENCE.

''Not more than 10 percent of the funds received under this subpart may be used to develop any program participant's competence in a second language for use in instructional programs.

''Subpart 4—Research, Evaluation, and Dissemination

''SEC. 7151. AUTHORITY.

''The Secretary shall conduct and coordinate, through the Office of Educational Research and Improvement and in coordination with the Office of Educational Services for Limited English Proficient Children, research for the purpose of improving English language and academic content instruction for children who are limited English proficient. Activities under this section shall be limited to research to identify successful models for teaching limited English proficient children English, research to identify successful models for assisting such children to meet challenging State content and student performance standards, and distribution of research results to States for dissemination to schools with populations of students who are limited English proficient. Research conducted under this section may not focus solely on any one method of instruction.

''PART B—EMERGENCY IMMIGRANT EDUCATION PROGRAM

''SEC. 7201. FINDINGS AND PURPOSE.

''(a) FINDINGS.—The Congress finds that—

''(1) the education of our Nation's children and youth is one of the most sacred government responsibilities;

''(2) local educational agencies have struggled to fund adequately education services; and

''(3) immigration policy is solely a responsibility of the Federal Government.

''(b) PURPOSE.—The purpose of this part is to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to—

''(1) provide high-quality instruction to immigrant children and youth; and

''(2) help such children and youth—

''(A) with their transition into American society; and

''(B) meet the same challenging State performance standards expected of all children and youth.

''SEC. 7202. STATE ADMINISTRATIVE COSTS.

''For any fiscal year, a State educational agency may reserve not more than 1.5 percent of the amount allocated to such agency under section 7204 to pay the costs of performing such agency's administrative functions under this part.

''SEC. 7203. WITHHOLDING.

''Whenever the Secretary, after providing reasonable notice and opportunity for a hearing to any State educational agency, finds that there is a failure to meet the requirement of any provision of this part, the Secretary shall notify that agency that further payments will not be made to the agency under this part, or in the discretion of the Secretary, that the State educational agency shall not make further payments under this part to specified local educational agencies whose actions cause or are involved in such failure until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State educational agency under this part, or payments by the State educational agency under this part shall be limited to local educational agencies whose actions did not

cause or were not involved in the failure, as the case may be.

"SEC. 7204. STATE ALLOCATIONS.

''(a) PAYMENTS.—The Secretary shall, in accordance with the provisions of this section, make payments to State educational agencies for each of the fiscal years 2000 through 2004 for the purpose set forth in section 7201(b).

''(b) ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in subsections (c) and (d), of the amount appropriated for each fiscal year for this part, each State participating in the program assisted under this part shall receive an allocation equal to the proportion of such State's number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of each local educational agency described in paragraph (2) within such State, and in nonpublic elementary or secondary schools within the district served by each such local educational agency, relative to the total number of immigrant children and youth so enrolled in all the States participating in the program assisted under this part.

''(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—The local educational agencies referred to in paragraph (1) are those local educational agencies in which the sum of the number of immigrant children and youth who are enrolled in public elementary or secondary schools under the jurisdiction of such agencies, and in nonpublic elementary or secondary schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this part, is equal to—

''(A) at least 500; or

''(B) at least 3 percent of the total number of students enrolled in such public or nonpublic schools during such fiscal year,

whichever number is less.

''(c) DETERMINATIONS OF NUMBER OF CHILDREN AND YOUTH.—

''(1) IN GENERAL.—Determinations by the Secretary under this section for any period with respect to the number of immigrant children and youth shall be made on the basis of data or estimates provided to the Secretary by each State educational agency in accordance with criteria established by the Secretary, unless the Secretary determines, after notice and opportunity for a hearing to the affected State educational agency, that such data or estimates are clearly erroneous.

''(2) SPECIAL RULE.—No such determination with respect to the number of immigrant children and youth shall operate because of an underestimate or overestimate to deprive any State educational agency of the allocation under this section that such State would otherwise have received had such determination been made on the basis of accurate data.

''(d) REALLOCATION.—Whenever the Secretary determines that any amount of a payment made to a State under this part for a fiscal year will not be used by such State for carrying out the purpose for which the payment was made, the Secretary shall make such amount available for carrying out such purpose to one or more other States to the extent the Secretary determines that such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from any appropriation for a fiscal year in accordance with the preceding sentence shall, for purposes of this part, be regarded as part of such State's payment (as determined under subsection (b)) for such year, but shall remain available until the end of the succeeding fiscal year.

''(e) RESERVATION OF FUNDS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this part, if the amount appropriated to carry out this part exceeds $50,000,000 for a fiscal year, a State educational agency may reserve not more than 20 percent of such agency's payment under this part for such year to award grants, on a competitive basis, to local educational agencies within the State as follows:

''(A) At least one-half of such grants shall be made available to eligible local educational agencies (as described in subsection (b)(2)) within the State with the highest numbers and percentages of immigrant children and youth.

''(B) Funds reserved under this paragraph and not made available under subparagraph (A) may be distributed to local educational agencies within the State experiencing a sudden influx of immigrant children and youth which are otherwise not eligible for assistance under this part.

''(2) USE OF GRANT FUNDS.—Each local educational agency receiving a grant under paragraph (1) shall use such grant funds to carry out the activities described in section 7207.

''(3) INFORMATION.—Local educational agencies with the highest number of immigrant children and youth receiving funds under paragraph (1) may make information available on serving immigrant children and youth to local educational agencies in the State with sparse numbers of such children.

"SEC. 7205. STATE APPLICATIONS.

''(a) SUBMISSION.—No State educational agency shall receive any payment under this part for any fiscal year unless such agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may reasonably require. Each such application shall—

''(1) provide that the educational programs, services, and activities for which payments under this part are made will be administered by or under the supervision of the agency;

''(2) provide assurances that payments under this part will be used for purposes set forth in sections 7201(b) and 7207, including a description of how local educational agencies receiving funds under this part will use such funds to meet such purposes and will coordinate with other programs assisted under this Act and other Acts as appropriate;

''(3) provide an assurance that local educational agencies receiving funds under this part will coordinate the use of such funds with programs assisted under part A or title I;

''(4) provide assurances that such payments, with the exception of payments reserved under section 7204(e), will be distributed among local educational agencies within that State on the basis of the number of immigrant children and youth counted with respect to each such local educational agency under section 7204(b)(1);

''(5) provide assurances that the State educational agency will not finally disapprove in whole or in part any application for funds received under this part without first affording the local educational agency submitting an application for such funds reasonable notice and opportunity for a hearing;

''(6) provide for making such reports as the Secretary may reasonably require to perform the Secretary's functions under this part;

''(7) provide assurances—

''(A) that to the extent consistent with the number of immigrant children and youth enrolled in the nonpublic elementary or secondary schools within the district served by a local educational agency, such agency, after consultation with appropriate officials of such schools, shall provide for the benefit of such children and youth secular, neutral, and nonideological services, materials, and equipment necessary for the education of such children and youth;

''(B) that the control of funds provided under this part to any materials, equipment, and property repaired, remodeled, or constructed with those funds shall be in a public agency for the uses and purposes provided in this part, and a public agency shall administer such funds and property; and

''(C) that the provision of services pursuant to this paragraph shall be provided by employees of a public agency or through contract by such public agency with a person, association, agency, or corporation who or which, in the provision of such services, is independent of such nonpublic elementary or secondary school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency, and the funds provided under this paragraph shall not be commingled with State or local funds;

''(8) provide that funds reserved under section 7204(e) be awarded on a competitive basis based on merit and need in accordance with such subsection; and

''(9) provide an assurance that State and local educational agencies receiving funds under this part will comply with the requirements of section 1120(b).

''(b) APPLICATION REVIEW.—

''(1) IN GENERAL.—The Secretary shall review all applications submitted pursuant to this section by State educational agencies.

''(2) APPROVAL.—The Secretary shall approve any application submitted by a State educational agency that meets the requirements of this section.

''(3) DISAPPROVAL.—The Secretary shall disapprove any application submitted by a State educational agency which does not meet the requirements of this section, but shall not finally disapprove an application except after providing reasonable notice, technical assistance, and an opportunity for a hearing to the State.

"SEC. 7206. ADMINISTRATIVE PROVISIONS.

''(a) NOTIFICATION OF AMOUNT.—The Secretary, not later than June 1 of each year, shall notify each State educational agency that has an application approved under section 7205 of the amount of such agency's allocation under section 7204 for the succeeding year.

''(b) SERVICES TO CHILDREN ENROLLED IN NONPUBLIC SCHOOLS.—If by reason of any provision of law a local educational agency is prohibited from providing educational services for children enrolled in elementary and secondary nonpublic schools, as required by section 7205(a)(7), or if the Secretary determines that a local educational agency has substantially failed or is unwilling to provide for the participation on an equitable basis of children enrolled in such schools, the Secretary may waive such requirement and shall arrange for the provision of services, subject to the requirements of this part, to such children. Such waivers shall be subject to consultation, withholding, notice, and judicial review requirements in accordance with the provisions of title I.

"SEC. 7207. USES OF FUNDS.

''(a) USE OF FUNDS.—Funds awarded under this part shall be used to pay for enhanced instructional opportunities for immigrant children and youth, which may include—

''(1) family literacy, parent outreach, and training activities designed to assist parents to become active participants in the education of their children;

''(2) salaries of personnel, including teacher aides who have been specifically trained, or are being trained, to provide services to immigrant children and youth;

''(3) tutorials, mentoring, and academic or career counseling for immigrant children and youth;

''(4) identification and acquisition of curricular materials, educational software, and technologies to be used in the program;

''(5) basic instructional services which are directly attributable to the presence in the school district of immigrant children, including the costs of providing additional classroom supplies, overhead costs, costs of construction, acquisition or rental of space, costs of transportation, or such other costs as are directly attributable to such additional basic instructional services; and

''(6) such other activities, related to the purposes of this part, as the Secretary may authorize.

''(b) CONSORTIA.—A local educational agency that receives a grant under this part may collaborate or form a consortium with one or more local educational agencies, institutions of higher education, and nonprofit organizations to carry out the program described in an application approved under this part.

''(c) SUBGRANTS.—A local educational agency that receives a grant under this part may, with the approval of the Secretary, make a subgrant to, or enter into a contract with, an institution of higher education, a nonprofit organization, or a consortium of such entities to carry out a program described in an application approved under this part, including a program to serve out-of-school youth.

''(d) CONSTRUCTION.—Nothing in this part shall be construed to prohibit a local educational agency from serving immigrant children simultaneously with students with similar educational needs, in the same educational settings where appropriate.

''SEC. 7208. REPORTS.

''(a) BIENNIAL REPORT.—Each State educational agency receiving funds under this part shall submit, once every 2 years, a report to the Secretary concerning the expenditure of funds by local educational agencies under this part. Each local educational agency receiving funds under this part shall submit to the State educational agency such information as may be necessary for such report.

''(b) REPORT TO CONGRESS.—The Secretary shall submit, once every 2 years, a report to the appropriate committees of the Congress concerning programs assisted under this part in accordance with section 14701.

''SEC. 7209. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $175,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''PART C—ADMINISTRATION

''SEC. 7301. REPORTING REQUIREMENTS.

''(a) STATES.—Based upon the evaluations provided to a State under section 7403, each State receiving a grant under this title annually shall report to the Secretary on programs and activities undertaken by the State under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

''(b) SECRETARY.—Every other year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on programs and activities undertaken by States under this title and the effectiveness of such programs and activities in improving the education provided to children who are limited English proficient.

''SEC. 7302. COORDINATION WITH RELATED PROGRAMS.

''In order to maximize Federal efforts aimed at serving the educational needs of children and youth of limited English proficiency, the Secretary shall coordinate and ensure close cooperation with other programs serving language-minority and limited English proficient students that are administered by the Department and other agencies.

''PART D—GENERAL PROVISIONS

''SEC. 7401. DEFINITIONS.

''For purposes of this title:

''(1) CHILDREN AND YOUTH.—The term 'children and youth' means individuals aged 3 through 21.

''(2) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness or Indian tribe or tribally sanctioned educational authority which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

''(3) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

''(A) Interactive literacy activities between parents and their children.

''(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

''(C) Parent literacy training that leads to economic self-sufficiency.

''(D) An age-appropriate education to prepare children for success in school and life experiences.

''(4) IMMIGRANT CHILDREN AND YOUTH.—The term 'immigrant children and youth' means individuals who—

''(A) are aged 3 through 21;

''(B) were not born in any State; and

''(C) have not been attending one or more schools in any one or more States for more than three full academic years.

''(5) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient', when used with reference to an individual, means an individual—

''(A) aged 3 through 21;

''(B) who—

''(i) was not born in the United States;

''(ii) comes from an environment where a language other than English is dominant and who normally uses a language other than English;

''(iii) is a Native American or Alaska Native or who is a native resident of the outlying areas and who normally uses a language other than English; or

''(iv) is migratory and whose native language is other than English and who normally uses a language other than English; and

''(C) who has sufficient difficulty speaking, reading, writing, or understanding the English language that the difficulty may deny the individual the opportunity—

''(i) to learn successfully in a classroom where the language of instruction is English; or

''(ii) to participate fully in society.

''(6) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' shall have the same meaning given such terms in section 103 of the Native American Languages Act of 1990.

''(7) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization with a majority of its governing board and employees consisting of fluent speakers of the traditional Native American languages used in their educational programs and with not less than five years successful experience in providing educational services in traditional Native American languages.

''(8) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual who is limited English proficient, means the language normally used by such individual.

''(9) OUTLYING AREA.—The term 'outlying area' means any of the following:

''(A) The Virgin Islands of the United States.

''(B) Guam.

''(C) American Samoa.

''(D) The Commonwealth of the Northern Mariana Islands.

''(10) PARAPROFESSIONAL.—The term 'paraprofessional' means an individual who is employed in preschool, elementary or secondary school under the supervision of a certified or licensed teacher, including individuals employed in educational programs serving limited English proficient children, special education and migrant education.

''(11) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any outlying area.

''(12) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

''(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

''(B) any nonprofit institution or organization that is—

''(i) chartered by the governing body of an Indian tribe to operate a school described in section 7113(a) or otherwise to oversee the delivery of educational services to members of the tribe; and

''(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 of part A for individuals served by a school described in section 7113(a).

''SEC. 7402. CONSTRUCTION.

''Nothing in subpart 1 or 2 shall be construed to prohibit a local educational agency from serving limited English proficient children and youth simultaneously with students with similar educational needs, in the same educational settings where appropriate.

''SEC. 7403. EVALUATION.

''(a) IN GENERAL.—Each eligible entity that receives a subgrant from a State or a grant

from the Secretary under part A shall provide the State or the Secretary, at the conclusion of every second fiscal year during which the subgrant or grant is received, with an evaluation, in a form prescribed by the State or the Secretary, of—

''(1) the programs and activities conducted by the entity with funds received under part A during the 2 immediately preceding fiscal years;

''(2) the progress made by students in learning the English language and meeting challenging State content standards and challenging State student performance standards;

''(3) the number and percentage of students in the programs and activities attaining English language proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency; and

''(4) the progress made by students in meeting challenging State content and challenging State performance standards for each of the 2 years after such students are no longer receiving services under this part.

''(b) USE OF EVALUATION.—An evaluation provided by an eligible entity under subsection (a) shall be used by the entity and the State or the Secretary—

''(1) for improvement of programs and activities;

''(2) to determine the effectiveness of programs and activities in assisting children who are limited English proficient to attain English proficiency (as measured consistent with subsection (d)) and meet challenging State content standards and challenging State student performance standards; and

''(3) in determining whether or not to continue funding for specific programs or projects.

''(c) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under subsection (a) shall include—

''(1) an evaluation of whether students enrolling in a program or activity conducted by the entity with funds received under part A—

''(A) have attained English proficiency and are meeting challenging State content standards and challenging State student performance standards; and

''(B) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, in a classroom that is not tailored to limited English proficient children; and

''(2) such other information as the State or the Secretary may require.

''(d) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under subsection (a), a State or the Secretary shall approve evaluation measures, as applicable, for use under subsection (c) that are designed to assess—

''(1) oral language proficiency in kindergarten;

''(2) oral language proficiency, including speaking and listening skills, in first grade;

''(3) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades 2 and higher; and

''(4) attainment of challenging State performance standards.

''SEC. 7404. CONSTRUCTION.

''Nothing in part A shall be construed as requiring a State or a local educational agency to establish, continue, or eliminate a program of native language instruction.

''SEC. 7405. LIMITATION ON FEDERAL REGULATIONS.

''The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this title.

''SEC. 7406. LEGAL AUTHORITY UNDER STATE LAW.

''Nothing in this title shall be construed to negate or supersede the legal authority, under State law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the State agency, entity, or official.

''SEC. 7407. CIVIL RIGHTS.

''Nothing in this title shall be construed in a manner inconsistent with any Federal law guaranteeing a civil right.

''SEC. 7408. RULE OF CONSTRUCTION.

''Nothing in part A shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages.

''SEC. 7409. REPORT.

''The Secretary shall prepare, and submit to the Secretary and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on—

''(1) the activities carried out part A and the effectiveness of such activities in increasing the English proficiency of limited English proficient children and helping them to meet challenging State content standards and challenging State performance standards;

''(2) the types of instructional programs used under part A to teach limited English proficient children;

''(3) the number of programs, if any, which were terminated from the program because they were not able to reach program goals; and

''(4) other information gathered as part of the evaluation conducted under section 7403.

''SEC. 7410. PROGRAMS FOR NATIVE AMERICANS AND PUERTO RICO.

''Programs authorized under subparts 1 and 2 of part A that serve Native American children, Native Pacific Island children, and children in the Commonwealth of Puerto Rico, notwithstanding any other provision of part A may include programs of instruction, teacher training, curriculum development, evaluation, and testing designed for Native American children learning and studying Native American languages and children of limited Spanish proficiency, except that a primary outcome of programs serving such children shall be increased English proficiency among such children.''.

SEC. 902. CONFORMING AMENDMENT TO DEPARTMENT OF EDUCATION ORGANIZATION ACT.

(a) IN GENERAL.—The Department of Education Organization Act is amended by striking ''Office of Bilingual Education and Minority Languages Affairs'' each place such term appears in the text and inserting ''Office of Educational Services for Limited English Proficient Children''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

''OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN''.

(2) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

''SEC. 216. OFFICE OF EDUCATIONAL SERVICES FOR LIMITED ENGLISH PROFICIENT CHILDREN.''.

(3) TABLE OF CONTENTS.—

(A) SECTION 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

''Sec. 209. Office of Educational Services for Limited English Proficient Children.''.

(B) SECTION 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Office of Educational Services for Limited English Proficient Children.''.

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

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

There was no objection.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Pennsylvania (Mr. GOODLING)?

There was no objection.

Mr. GOODLING. Madam Chairman, this amendment is a bipartisan amendment that makes several technical and clarifying changes to the committee reported bill and includes long overdue reform of the Federal bilingual education program. I might say, I hope we have some final agreement. At 3 o'clock yesterday afternoon, we did. At 10 o'clock last night, we did not. I would not have stepped 1 inch into the Hispanic caucus meeting going on out here in the Speaker's lobby. It sounded pretty ruckus, but, at any rate, I think we have everything worked out. So many long hours have been spent to reach this agreement.

I want to thank the gentleman from Arizona (Mr. SALMON) and the gentleman from Michigan (Mr. KILDEE) for bringing Members with diverse views together to craft this legislation that will truly help limited English proficient children learn English and excel in their academic subject.

As the number of limited English proficient children in this country increases, we must be sure that we are providing these children with the best possible education. Graduation rates for this population are very disappointing, and we cannot afford to support programs that do not ensure the academic success of children with limited English proficiency.

The key to success for these children is the legislation before my colleagues as it focuses on teaching English to those with limited proficiency and assists them to meet the same State content and performance standard as other students.

The bilingual education program contains several key reforms. First, it turns the current competitive grant program into a formula grant program to the States after appropriations reach $220 million. For the first time,

when the threshold is reached, those individuals closest to the children will play a major role in deciding how to use funds under this program to provide them with the best possible education.

Second, thanks to the gentleman from Arizona (Mr. SALMON), we ensure that the parents of limited English proficient children play a major role in determining which types of instructional services will be provided to their children. Too often we have heard testimony from parents who are unaware of the types of services offered to the children. It is our belief that parents must give their consent before placement of their child in a program for limited English proficient children.

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This way, we will avoid the current battles between schools and parents who are trying to remove their child from a program that is failing to provide them with a quality education.

If parents believe their child is not obtaining the English language skills they need for academic success, they should have the right to remove their child from the current instructional program. It is just that simple.

Third, we provide local educational agencies the maximum flexibility to decide which instructional methods should be used to educate limited English proficient children. Currently, the Bilingual Education Act requires 75 percent of the funds available for grants to eligible entities to be spent on programs using a child's native language in instruction. We removed this provision because we do not believe the Federal Government should support any one method of instruction over another. The amendment does not mandate any one method of instruction over another. Instead, it merely allows schools to decide which instructional methods will yield the greatest success in helping our students learn English and achieve the same high degree of academic success as other students.

Finally, the legislation focuses on teaching children English as quickly as possible. Once this becomes a formula grant program, States will be required to remove founding from any program where the majority of limited English proficient children are not becoming proficient in English and meeting challenging State content and performance standards after 3 academic years of performance.

As a former educator, I agree that having the ability to speak more than one language is key. But for children who do not speak English, our major focus should be in providing them with the language skills they need to stay in school and succeed.

The amendment also makes several technical and clarifying changes to other sections of the Student Results Act. First, the amendment strengthens a provision related to local assessments given to para-professionals.

Under this bill, the local school districts may use title I funds to hire qualified para-professionals. This must be demonstrated through completion of 2 years of college, receipt of an associate's degree, or by passing a rigorous local standard of quality. Under this amendment, local school districts must simply include a description of these assessments as part of their plan to the State. This will ensure the States have an understanding of the criteria being set at the local level, which is important since many States set their own minimum qualifications for para-professionals.

The amendment also makes improvements to the new public school choice program that was added to the bill in committee. Because I believe one of the biggest barriers to school choice is the cost of transportation, the manager's amendment removes the prohibition on using these funds for that purpose.

The amendment specifically allows schools to use these funds to augment their existing transportation services in order to meet the needs of children participating in a public school choice program.

And, finally, this amendment modifies the McKinney Homeless Assistance Act, as reported by the committee, regarding documentation for the immediate enrollment of a homeless child in school. If a child needs to obtain immunization or immunization records, the enrolling school shall immediately refer the parent or guardian of the child to the homeless liaison who shall assist in obtaining these records. These provisions will not override State law or policy regarding immunizations and enrollment.

Mr. KILDEE. Madam Chairman, I rise in support of the manager's amendment.

Mr. MARTINEZ. Madam Chairman, will the gentleman yield?

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

Mr. MARTINEZ. Madam Chairman, I rise in support of the manager's amendment with great trepidation. The chairman spoke a little bit about the Hispanic caucus meeting, and I am here to tell my colleagues that the Hispanic caucus is devastated by the fact title VII was added to this bill in the manager's floor amendment.

Now, I understand that in the manager's floor amendment there are also a lot of things we negotiated to make the bill better, but the one thing we never got to negotiate to any great extent was title VII, which is very important to the Hispanic community and the limited English proficient children that it serves.

The fact is, if we had had a chance in committee markup to deal with title VII as we did with title I, we may have come out with the same bipartisan compromise on that as we did on title I. But it puts us kind of behind the 8 ball to be here having to make a presentation on the floor in support of title I but yet disturbed by the situation of title VII and what it really looks like as the Republicans entered it into this floor amendment.

I am going to vote for the bill, because I believe there are so many things that have been compromised. And even in title VII there was some compromise. We did raise the trigger from $210 million to $225 million. We then further got a little compromise on the language that would allow the children to opt in or opt out. That is, in my mind, one of the biggest hurdles or obstacles there was in title VII.

I am going to support the bill and support the manager's amendment because I strongly support all the programs that I believe H.R. 2 really does a good job of maintaining. It also maintains the integrity and original intent of the bill. Originally, when it passed out of committee, I was not able to support the bill. I was one of six people that voted no. It was more on process than it was on what were the contents of the bill even at that time.

I stand here again in objection to the process on title VII, although that is there and we have to deal with it. I am hopeful that as we move to the conference committee and deal with the Senators and their version, that we may be able to revisit title VII and make it better than it is as it presently stands in this bill.

I understand several of my colleagues on that side of the aisle were concerned about the parental involvement, and they did move to strengthen that parental involvement. And I support their desire to make sure that parents know everything that is going on with their children's education in school; but by the same token, a child should not suffer the lack of services because a bureaucrat is waiting for a parent to make a decision, or they cannot make a decision themselves.

I believe the way my amendment has been accepted into the bill that the children will receive services immediately upon entering school; that the final notification will take place quickly; that the school will be required to pick up the phone or make some direct contact as quickly as possible to make sure that that child does not lack any services.

Having said that, I feel that the bill is vastly improved. I believe the manager's amendment, which I hesitate to vote against because it does contain all of the agreements that we have made and made improvements to, but I do not believe this is the end of the situation. I believe that we have a process yet to go through in which we will have to meet with the Senate and have a conference, and the Senate will have

to concur and we will have to yield to some of the Senate's desires, and I am hoping that the Senate's desires for bilingual education and for title I and parental notification is even stronger than it has been on this side of the aisle.

Along with that, let me tell my colleagues that one of the reasons that I support the bill is that we are able to increase or include language increasing the standards and accountability for instructions. This is something that the gentleman from California (Mr. GEORGE MILLER) from our side has been a strong proponent of for many years. We were able to put it in the bill that is going to be marked up tomorrow.

I would have liked to come down earlier and join in the lovefest that was taking place on the floor in the general debate regarding this bill. The only problem is that I could not join in that lovefest because I believe the honeymoon is going to end tomorrow, as the gentleman from New York (Mr. OWENS) has stated. Tomorrow we are going to take up Straight A's, which destroys everything that was negotiated in this bill, which I think is absolutely ridiculous, although I am hopeful somebody will come to their senses and either not offer Straight A's or that Straight A's will be voted down. And if it is not voted down, I hope it will be vetoed by the President so that we will not have to deal with it and keeping intact what we have in title I.

I would also like to commend my colleague from Arizona (Mr. SALMON) for working with me on the parental consent portion of this bill. I believe his willingness to compromise gave us the ability to be able to vote for this bill. And, Madam Chairman, I do support the manager's amendment.

Madam Chairman, while I regret that the committee did not have an opportunity to mark up and fully debate title VII, the Bilingual Education Act, which is included in today's manager's amendment, and while I still have a number of concerns regarding the effects this bill will have on limited English instruction programs and the children they serve, I am going to vote yes on the manager's amendment because it is vastly improved over where it was a week ago, and because I hope it will be further improved in conference.

Last week, the Education Committee considered H.R. 2, which includes the reauthorization of several important Federal education programs, including title I, which provides nearly $8 billion for the education of disadvantaged children, the Magnet Schools Program, the Indian Education Program, the Javitz Gifted and Talented Program, and the McKinney Homeless Assistance Program.

Although I strongly support these programs and believe that H.R. 2 does a good job of maintaining their integrity and original intent, I was not able to support H.R. 2 when it was reported by the committee due primarily to what I consider to be unreasonable parental consent requirements placed on the education of limited English proficient children.

While I understand that several of my colleagues on that side of the aisle desire increased parental involvement and strengthened parental rights, and although I support that desire, I could not support the manner in which they were going about obtaining that involvement and those rights since it meant that a limited English proficient child could go for months without title I services.

However, over the past week, since this bill was reported from committee, staff have worked tirelessly to negotiate an agreement whereby parental involvement and rights are maintained, and more importantly, LEP children begin receiving educational services almost immediately.

In the process of those negotiations, we were also able to make headway on a number of issues in title VII.

For instance, we were able to increase the trigger point at which the instructional services program turns into a formula grant.

We were able to insert provisions ensuring that local education agencies measure the progress of LEP students not only on English proficiency but also on challenging academic and contents standards, and monitor the transition of LEP students into the mainstream classroom.

We were also able to include language increasing standards and accountability for instructional programs and teachers, and requiring the department to do research and collect data on best practices. And while I still have concerns regarding some of the provisions in title VII, I am pleased with the progress that has been made over the last week and would like to commend the staff for their hard work.

I would also like to commend my colleague from Arizona, Mr. SALMON, for working with me on the parental consent language although I know he feels as strongly about his original position on this issue as I feel about mine.

In all honesty, were the Democrats in charge of the House, many of the provisions in this bill, including those regarding parental involvement and consent, would look quite different and I am sure that Mr. SALMON would have rather stuck with his original language.

However, I believe that we have come up with an agreement that we can both live with and support. And I believe that H.R. 2, carefully crafted by Chairmen GOODLING and CASTLE and ranking members CLAY and KILDEE, is also something we can live with and support. And so Madam Chairman, as I said earlier, I will support the manager's amendment and urge my colleagues on both sides of the aisle to do the same.

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

The amendment, as modified, was agreed to.

AMENDMENT NO. 4 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Madam Chairman, I offer an amendment, No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. MINK of Hawaii:

In section 1114(c)(1)(B)(ii)(III) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill, insert '', including girls and women'' after ''underserved populations''.

In section 1114(c)(1)(B)(iii)(I) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill, insert '', which may include incorporation of gender-equitable methods and practices'' after ''schoolwide program''.

In section 1119A(b)(1) of the Elementary and Secondary Education Act of 1965, as proposed to amended by section 116 of the bill—

(1) at the end of subparagraph (I), strike ''and'';

(2) at the end of subparagraph (J), strike the period and insert ''; and''; and

(3) after subparagraph (J), insert the following:

''(K) include strategies for identifying and eliminating gender and racial bias in instructional materials, methods, and practices.''.

After subparagraph (E) of section 1119A(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to amended by section 116 of the bill, insert the following (and redesignate any subsequent subparagraphs accordingly):

''(F) instruction in the ways that teachers, principals, and guidance counselors can work with parents and students from groups, such as females and minorities which are under represented in careers in mathematics, science, engineering, and technology, to encourage and maintain the interest of such students in these careers;''.

In section 1119A(b)(2) of the Elementary and Secondary Education Act of 1965, as proposed to amended by section 116 of the bill—

(1) at the end of subparagraph (H) (as redesignated), strike ''and'';

(2) at the end of subparagraph (I) (as redesignated), strike the period and insert ''; and''; and

(3) after subparagraph (I), insert the following:

''(J) instruction in gender-equitable methods, techniques, and practices.''.

Strike the matter proposed to be inserted in section 1401(a)(3) of the Elementary and Secondary Education Act of 1965, (as proposed by section 142 of the bill).

After the matter proposed to be inserted in section 1401(a)(6) of the Elementary and Secondary Education Act of 1965, (as proposed by section 142 of the bill), add the following:

''(7) Pregnant and parenting teenagers are a high at-risk group for dropping out of school and should be targeted by dropout prevention programs.''.

In section 1423(6) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 149 of the bill—

(1) after ''social'' insert '', health'';

(2) after ''facilities'' insert '', students at risk of dropping out of school,''; and

(3) before the semicolon, insert '', including prenatal health care and nutrition services related to the health of the parent and child, parenting and child development classes, child care, targeted re-entry and outreach programs, referrals to community resources, and scheduling flexibility''.

In section 1424(2) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 150 of the bill, before the semicolon, insert the following: '', including pregnant and parenting teenagers''.

In section 1424(3) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 150 of the bill—

(1) after ''social'' insert '', health,''; and

(2) after ''services'' insert '', including day care,''.

Strike section 152 of the bill and the amendment proposed to be made to section 1426(1) of the Elementary and Secondary Education Act of 1965.

At the end of title V of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 201 of the bill, insert the following:

''PART C—WOMEN'S EDUCATIONAL EQUITY

''SEC. 5301. SHORT TITLE; FINDINGS.

''(a) SHORT TITLE.—This part may be cited as the 'Women's Educational Equity Act of 1994'.

''(b) FINDINGS.—The Congress finds that—

''(1) since the enactment of title IX of the Education Amendments of 1972, women and girls have made strides in educational achievement and in their ability to avail themselves of educational opportunities;

''(2) because of funding provided under the Women's Educational Equity Act, more curricula, training, and other educational materials concerning educational equity for women and girls are available for national dissemination;

''(3) teaching and learning practices in the United States are frequently inequitable as such practices relate to women and girls, for example—

''(A) sexual harassment, particularly that experienced by girls, undermines the ability of schools to provide a safe and equitable learning or workplace environment;

''(B) classroom textbooks and other educational materials do not sufficiently reflect the experiences, achievements, or concerns of women and, in most cases, are not written by women or persons of color;

''(C) girls do not take as many mathematics and science courses as boys, girls lose confidence in their mathematics and science ability as girls move through adolescence, and there are few women role models in the sciences; and

''(D) the low number of girls taking higher level computer science courses leading to technical careers, and the low degree of participation of women in the development of education technology, will perpetuate a cycle of disadvantage for girls in elementary schools and secondary schools as technology is increasingly integrated into the classroom; and''.

''(E) pregnant and parenting teenagers are at high risk for dropping out of school and existing dropout prevention programs do not adequately address the needs of such teenagers;

''(4) efforts to improve the quality of public education also must include efforts to ensure equal access to quality education programs for all women and girls;

''(5) Federal support should address not only research and development of innovative model curricula and teaching and learning strategies to promote gender equity, but should also assist schools and local communities implement gender equitable practices;

''(6) Federal assistance for gender equity must be tied to systemic reform, involve collaborative efforts to implement effective gender practices at the local level, and encourage parental participation; and

''(7) excellence in education, high educational achievements and standards, and the full participation of women and girls in American society, cannot be achieved without educational equity for women and girls.

''SEC. 5302. STATEMENT OF PURPOSES.

''It is the purpose of this part—

''(1) to promote gender equity in education in the United States;

''(2) to provide financial assistance to enable educational agencies and institutions to meet the requirements of title IX of the Educational Amendments of 1972; and

''(3) to promote equity in education for women and girls who suffer from multiple forms of discrimination based on sex, race, ethnic origin, limited-English proficiency, disability, or age.

''SEC. 5303. PROGRAMS AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized—

''(1) to promote, coordinate, and evaluate gender equity policies, programs, activities and initiatives in all Federal education programs and offices;

''(2) to develop, maintain, and disseminate materials, resources, analyses, and research relating to education equity for women and girls;

''(3) to provide information and technical assistance to assure the effective implementation of gender equity programs;

''(4) to coordinate gender equity programs and activities with other Federal agencies with jurisdiction over education and related programs;

''(5) to assist the Assistant Secretary of the Office of Educational Research and Improvement in identifying research priorities related to education equity for women and girls; and

''(6) to perform any other activities consistent with achieving the purposes of this part.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to make grants to, and enter into contracts and cooperative agreements with, public agencies, private nonprofit agencies, organizations, institutions, student groups, community groups, and individuals, for a period not to exceed four years, to—

''(A) provide grants to develop model equity programs;

''(B) provide funds for the implementation of equity programs in schools throughout the Nation; and

''(C) provide grants to local educational agencies in communities with an historic tie to a major leader in the women's sufferage movement to educate its students about the significance of the community's significant former resident.

''(2) SUPPORT AND TECHNICAL ASSISTANCE.—To achieve the purposes of this part, the Secretary is authorized to provide support and technical assistance—

''(A) to implement effective gender-equity policies and programs at all educational levels, including—

''(i) assisting educational agencies and institutions to implement policies and practices to comply with title IX of the Education Amendments of 1972;

''(ii) training for teachers, counselors, administrators, and other school personnel, especially preschool and elementary school personnel, in gender equitable teaching and learning practices;

''(iii) leadership training for women and girls to develop professional and marketable skills to compete in the global marketplace, improve self-esteem, and benefit from exposure to positive role models;

''(iv) school-to-work transition programs, guidance and counseling activities, and other programs to increase opportunities for women and girls to enter a technologically demanding workplace and, in particular, to enter highly skilled, high paying careers in which women and girls have been underrepresented;

''(v) enhancing educational and career opportunities for those women and girls who suffer multiple forms of discrimination, based on sex and on race, ethnic origin, limited-English proficiency, disability, socioeconomic status, or age;

''(vi) assisting pregnant students and students rearing children to remain in or to return to secondary school, graduate, and prepare their preschool children to start school;

''(vii) evaluating exemplary model programs to assess the ability of such programs to advance educational equity for women and girls;

''(viii) introduction into the classroom of textbooks, curricula, and other materials designed to achieve equity for women and girls;

''(ix) programs and policies to address sexual harassment and violence against women and girls and to ensure that educational institutions are free from threats to the safety of students and personnel;

''(x) nondiscriminatory tests of aptitude and achievement and of alternative assessments that eliminate biased assessment instruments from use;

''(xi) programs to increase educational opportunities, including higher education, vocational training, and other educational programs for low-income women, including underemployed and unemployed women, and women receiving assistance under a State program funded under part A of title IV of the Social Security Act;

''(xii) programs to improve representation of women in educational administration at all levels; and

''(xiii) planning, development and initial implementation of—

''(I) comprehensive institution- or district-wide evaluation to assess the presence or absence of gender equity in educational settings;

''(II) comprehensive plans for implementation of equity programs in State and local educational agencies and institutions of higher education; including community colleges; and

''(III) innovative approaches to school-community partnerships for educational equity;

''(B) for research and development, which shall be coordinated with each of the research institutes of the Office of Educational Research and Improvement to avoid duplication of research efforts, designed to advance gender equity nationwide and to help make policies and practices in educational agencies and institutions, and local communities, gender equitable, including—

''(i) research and development of innovative strategies and model training programs for teachers and other education personnel;

''(ii) the development of high quality and challenging assessment instruments that are nondiscriminatory;

''(iii) the development and evaluation of model curricula, textbooks, software, and other educational materials to ensure the absence of gender stereotyping and bias;

''(iv) the development of instruments and procedures that employ new and innovative strategies to assess whether diverse educational settings are gender equitable;

''(v) the development of instruments and strategies for evaluation, dissemination, and replication of promising or exemplary programs designed to assist local educational agencies in integrating gender equity in their educational policies and practices;

''(vi) updating high quality educational materials previously developed through awards made under this part;

''(vii) the development of policies and programs to address and prevent sexual harassment and violence to ensure that educational institutions are free from threats to safety of students and personnel;

''(viii) the development and improvement of programs and activities to increase opportunity for women, including continuing educational activities, vocational education, and programs for low-income women, including underemployed and unemployed women, and women receiving assistance under the State program funded under part A of title IV of the Social Security Act; and

''(ix) the development of guidance and counseling activities, including career education programs, designed to ensure gender equity.

''SEC. 5204. APPLICATIONS.

''An application under this part shall—

''(1) set forth policies and procedures that will ensure a comprehensive evaluation of the activities assisted under this part, including an evaluation of the practices, policies, and materials used by the applicant and an evaluation or estimate of the continued significance of the work of the project following completion of the award period;

''(2) where appropriate, demonstrate how funds received under this part will be used to promote the attainment of one or more of the National Education Goals;

''(3) demonstrate how the applicant will address perceptions of gender roles based on cultural differences or stereotypes;

''(4) where appropriate, describe how funds under this part will be used in a manner that is consistent with programs under the School-to-Work Opportunities Act of 1994;

''(5) for applications for assistance under section 5303(b)(1), demonstrate how the applicant will foster partnerships and, where applicable, share resources with State educational agencies, local educational agencies, institutions of higher education, community-based organizations (including organizations serving women), parent, teacher, and student groups, businesses or other recipients of Federal educational funding which may include State literacy resource centers;

''(6) for applications for assistance under section 5303(b)(1), demonstrate how parental involvement in the project will be encouraged; and

''(7) for applications for assistance under section 5303(b)(1), describe plans for continuation of the activities assisted under this part with local support following completion of the grant period and termination of Federal support under this part.

''SEC. 5305. CRITERIA AND PRIORITIES.

''(a) CRITERIA AND PRIORITIES.—

''(1) IN GENERAL.—The Secretary shall establish separate criteria and priorities for awards under paragraphs (1) and (2) of section 5303(b) to ensure that funds under this part are used for programs that most effectively will achieve the purposes of this part.

''(2) CRITERIA.—The criteria described in subsection (a) may include the extent to which the activities assisted under this part—

''(A) address the needs of women and girls of color and women and girls with disabilities;

''(B) meet locally defined and documented educational equity needs and priorities, including compliance with title IX of the Education Amendments of 1972;

''(C) are a significant component of a comprehensive plan for educational equity and compliance with title IX of the Education Amendments of 1972 in the particular school district, institution of higher education, vocational-technical institution, or other educational agency or institution; and

''(D) implement an institutional change strategy with long-term impact that will continue as a central activity of the applicant after the grant under this part has terminated.

''(b) PRIORITIES.—In approving applications under this part, the Secretary may give special consideration to applications—

''(1) submitted by applicants that have not received assistance under this part or under part C of title IX of this Act (as such part was in effect on October 1, 1988);

''(2) for projects that will contribute significantly to directly improving teaching and learning practices in the local community; and

''(3) for projects that will—

''(A) provide for a comprehensive approach to enhancing gender equity in educational institutions and agencies;

''(B) draw on a variety of resources, including the resources of local educational agencies, community-based organizations, institutions of higher education, and private organizations;

''(C) implement a strategy with long-term impact that will continue as a central activity of the applicant after the grant under this part has terminated;

''(D) address issues of national significance that can be duplicated; and

''(E) address the educational needs of women and girls who suffer multiple or compound discrimination based on sex and on race, ethnic origin, disability, or age.

''(c) SPECIAL RULE.—To the extent feasible, the Secretary shall ensure that grants awarded under this part for each fiscal year address—

''(1) all levels of education, including preschool, elementary and secondary education, higher education, vocational education, and adult education;

''(2) all regions of the United States; and

''(3) urban, rural, and suburban educational institutions.

''(d) COORDINATION.—Research activities supported under this part—

''(1) shall be carried out in consultation with the Office of Educational Research and Improvement to ensure that such activities are coordinated with and enhance the research and development activities supported by the Office; and

''(2) may include collaborative research activities which are jointly funded and carried out with the Office of Educational Research and Improvement.

''(e) LIMITATION.—Nothing in this part shall be construed as prohibiting men and boys from participating in any programs or activities assisted with funds under this part.

''SEC. 5306. REPORT.

''The Secretary, not later than January 1, 2004, shall submit to the President and Congress a report on the status of educational equity for girls and women in the Nation.

''SEC. 5307. ADMINISTRATION.

''(a) EVALUATION; DISSEMINATION; REPORT.—The Secretary—

''(1) shall evaluate, in accordance with section 14701, materials and programs developed under this part;

''(2) shall disseminate materials and programs developed under this part; and

''(3) shall report to Congress regarding such evaluation, materials, and programs not later than January 1, 2003.

''(b) PROGRAM OPERATIONS.—The Secretary shall ensure that the activities assisted under this part are administered within the Department by a person who has recognized professional qualifications and experience in the field of gender equity education.

''SEC. 5308. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years, of which not less than ⅔ of the amount appropriated under this section for each fiscal year shall be available to carry out the activities described in section 5303(b)(1).''.

Mrs. MINK of Hawaii. Madam Chairman, today I am pleased to join my colleagues, the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from California (Ms. SANCHEZ), and the gentlewoman from Maryland (Mrs. MORELLA), in offering this amendment to restore the gender equity provisions in the Elementary and Secondary Education Act, now referred to as the Student Results Act of 1999, H.R. 2.

The majority has argued that these equity provisions are no longer needed. However, girls continue to face barriers in the classroom. The Women's Educational Equity Act, WEAA, and other gender equity provisions are still needed to help overcome these barriers. For instance, while girls have improved in some areas, girls are still not learning the technology skills that will be needed to compete in the 21st century. In fact, only a very small percentage of girls take computer science courses, even though 65 percent of the jobs in the year 2000 will require these skills. The girls that do take computer classes tend to take data entry, while boys take advanced programming. Only 17 percent of the students who take computer science advanced placement tests are girls.

There is overwhelming evidence that it is not time now to terminate the programs that have been successful. In point of fact, the majority argues that women and girls have now advanced to such a point that these types of programs are not necessary. I ask my colleagues to examine that thesis; that the girls and women in our society have made it because they have had the constructive assistance of programs like the Women's Educational Equity Act that this year enjoyed its 25th anniversary. It has provided throughout the country a resource of information. It has been on call to anyone that wanted to inquire as to what programs were in place, in what community, and what the results were.

So often we criticize Federal research because it is not disseminated. One of the key provisions in the Women's Educational Equity Act was to establish a center where this type of dissemination would occur, and that is in fact what has happened. We do not have to replicate the trial mechanism in each community because we have

the results of programs and other efforts and projects that have been instituted in different communities.

If we dismantle the Women's Educational Equity Act program now, we will dismantle 25 years of effort, of accumulated dialogue, of accumulated reports, and other types of things that will continue to be of tremendous benefit to the girls and women in our society. It is not time now to dismantle it. We are just about making progress in some areas. There is still a lot to go, and this is proven in so many of the studies we have seen.

There is a barrier beyond which women are not able to go forward in terms of their careers, in terms of their own benefits. And, therefore, we have to start early in the elementary and secondary schools to make sure that the teachers and the administration understand this special responsibility that they have to the girls in their community.

The Women's Educational Equity Center has a technical assistance service. It is there to answer these many, many questions. This year, up to now, there have been 758 positive, affirmative technical assistance programs offered to people who have called. It is in all sorts of areas. In the center is 73,332 publications that have been collected. If we dismantle this program and terminate the Women's Educational Equity Act, 73,000 documents will be gone. They will not be able to serve this community any more.

□ 1700

The Women's Educational Equity Center has established a Web site. Just between March 1 and August 31, there were 248,000 hits on that Web site, people wanting information about women's opportunity for careers, for education, for things that they could do within their community and within their schools.

There is no question that this program is utilized; it is needed; it is woefully underfunded. So I cannot believe that the majority truly feels that this program is no longer needed by our communities. It has made progress. But now is not the time to terminate this program and end the progress that we have made. Girls in our schools need this special assistance. Teachers need this assistance.

The AAUW report clearly demonstrates that when they went out to analyze what was happening in the classrooms, they found indeed in the best classrooms that female teachers were dealing with their students in a disproportionate way in which they favored the boys as against the girls in terms of assignments, in terms of grading, in terms of their dealing with the student.

So I plead with this House to reconsider this terrible move made by the majority of this committee and ask my colleagues to restore this provision and all the other provisions that are in this en bloc amendment and restore again our confidence that we as a society can implement programs that truly have equity, gender equity, at heart.

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

Madam Chairman, I rise today in strong support of H.R. 2, the Student Results Act, which renews Title I of the Elementary and Secondary Education Act and other programs assisting low-achieving students.

I am particularly pleased that H.R. 2 includes a version of my bill, H.R. 637, the gifted and talented student education act. I want to thank the chairman and the other members of the committee for their work on this important legislation.

All children deserve to be educated to their fullest potential. Unfortunately, the educational needs of our most talented students are not being met. Gifted and talented students are not reaching their highest level of learning.

H.R. 637 provides incentives through formula grants to States to identify gifted and talented students from all economic, ethnic, and racial backgrounds, particularly students of limited English proficiency and students with disabilities.

The bill authorizes State educational agencies to distribute grants to local education agencies, including charter schools, on a competitive basis. Funding would be based on each State's student population.

H.R. 637 provides needed funds for gifted and talented students while leaving the decision on how best to serve these students to the States and local school districts.

I know we all are committed to ensuring our Nation's youth have all the tools they need for their future. Our gifted and talented students are one the Nation's greatest natural resources. I urge my colleagues to support this very important bill.

Ms. WOOLSEY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I, too, would like to compliment the chair of the Committee on Education and the Workforce and the ranking member for a good bill. But I am here to make H.R. 2 better.

I am sure that many of my colleagues are surprised, as I was, to learn that H.R. 2 eliminates the Women's Educational Equity Act, WEEA, and other gender equity provisions in the Elementary Secondary Education reauthorization.

I knew that WEEA and other gender equity provisions were doing a good job. What I did not know was that their success could be seen as an excuse to eliminate a good program. It is hard to believe that some Members think that gender equity provisions should be eliminated from ESEA because more women are enrolled in college, graduating from college, or because boys have reading scores that are not as good as girls. But that is shortsighted.

Women do earn more than half of all Bachelor's degrees, and WEEA and other gender equity provisions deserve credit for that. But women's degrees are still clustered in traditional fields such as nursing and teaching, fields that pay far less than jobs in science and technology.

While women are more than 50 percent of this country's population, they earn only 36 percent of math degrees and just 7 percent of engineering degrees. That is why, Madam Chairman, in addition to reinstating WEEA and other current gender equity provisions, the Mink-Woolsey-Sanchez-Morella amendment includes my language to allow schools to use professional development funds to instruct teachers in how to work with students, how to work with their parents in groups from under-represented areas of our country. And they do that to encourage them to pursue careers in math, in science, engineering, and technology.

Madam Chairman, just last week, Senator ROBB introduced a bill to create a new category of visas for foreign nationals with graduate degrees in high-technology fields. It does not take a rocket scientist to figure out why the high-tech companies want these visas for foreign workers. It is because there just are not enough U.S. citizens with educations needed for these high-tech positions in our own country.

In fact, the American Electronics Association, AEA, reports that the number of degrees awarded to Americans in computer science, engineering, math, and physics has been declining since 1990. One of the reasons for this decline is that girls and minorities are not pursuing these fields and they are not pursuing them in the early grades; and because they are not interested in the early grades, they do not get the background they need in elementary school to take the necessary precollege requirements in high school and they do not go on to major in these subjects in college.

If our schools do not change, females and minorities will continue to dominate the low-wage jobs, while America's high-wage, high-tech jobs go to foreign undergraduates and foreign graduates.

That is why Microsoft Corporation, Hewlett-Packard, Intel Corporation, Motorola, Apple, AutoDesk, and Compac Computers signed a letter to members of the Committee on Education and the Workforce strongly encouraging members to consider proposals that ''not only strengthen math and science education broadly but that aim to target women, minorities, and other under-represented groups to pursue these courses of study.''

But unless we use WEEA and other gender equity provisions to address the problem that exists for girls in our schools, women will continue to have fewer economic opportunities than men and less access to the careers that will support themselves and their families. Without these opportunities, this country will be deprived of the highly educated, highly skilled workforce we need in the United States to compete in a global economy.

Gender equity and education is not a women's thing. All Americans, men and women, have a stake in making sure that all students gain the skills and self-confidence they need in elementary and secondary school to become productive, self-supporting adults.

The Mink-Woolsey-Sanchez-Morella amendment is vital to the strength of the Nation, and I urge my colleagues to please support it.

Mr. HILL of Montana. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I do not rise to speak to this amendment, but I do rise to speak to the bill. I want to thank our chairman for his leadership in bringing this bill to the House. Of all the issues that we will be debating, none are more important than the issue that we are debating here today, the issue of education.

I also want to thank our leadership for providing such a large block of time for us to debate this bill and the issue of education.

Madam Chairman, every parent wants their child to succeed, succeed in school and succeed in life. I am fortunate to represent a State that has really good schools. Montana's students consistently perform very well on independent tests. We are fond of saying that Montana is the last best place. And many would say that Montana is what America used to be.

Many would say that we need to rebuild our schools like they used to be, schools where achievement is emphasized, where people are held accountable for results, where parents and local school boards make the decisions. Those are worthy objectives, Madam Chairman, and those objectives are incorporated into this bill, a bill that addresses Title I.

Under this bill, all States and school districts and schools will be held accountable to ensure that their students meet high academic standards. All schools would be required to issue report cards on student achievement, on teacher qualifications, and on school quality. The State and local schools would be required to close the achievement gap if they are trailing so that no student is left behind.

All students would be required to meet the same standard. So there would be no discrimination on the basis of race or other status. The families will be authorized to take their kids out of failing schools and put them into charter schools or into other public schools.

I will later be supporting an amendment that will broaden the scope to allow school choice and private education, as well. Under this bill, 95 percent of the dollars will go to the classroom.

I am particularly supportive of the new flexibility for rural schools, as well as the additional resources for rural schools. I support the provisions requiring English first, requiring that all third-year students to be tested for English proficiency.

Madam Chairman, it is clear that despite years and years and many billions of dollars in Federal assistance to local schools, excellence and quality and achievement and high standards still elude us. This bill has the potential to move us a long way in bringing these reforms to all of our schools to create schools that we can all be proud of.

When these Title I reforms are coupled with other measures, one that we will be taking up tomorrow, the Straight A's education bill, we will be on our way to making meaningful changes in education.

Again, I want to thank the chairman for his leadership and his hard work and diligence in getting this good bill to the floor that has broad bipartisan support. I urge my colleagues to support the bill.

Ms. SANCHEZ. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, well, my colleagues, what a century it has been for women's progress. We could say that this century we got the vote, we own businesses and earn college degrees like never before, we control our own money, we are in the workplace, in the factories, in the corner offices, and on the playing field.

In fact, just this year, we rejoiced in the great successes of Title IX when the U.S. women's soccer team showed the world what it really means to kick like a girl at the World Cup.

Well, my colleagues, I knew it was a bad idea to win that soccer game. Because the Republican male leadership in Congress apparently took Brandi Chastain's winning kick as a sign that everything is fine, that we do not need the Women's Educational Equity Act anymore, that everything is suddenly A-okay.

Well, I have got news for my colleagues. Women are only 17 percent of students who take the computer science Advanced Placement test. Women are 50 percent of the population yet only 8 percent of the engineering workforce. Women are 3 percent of the top executives at the Fortune 500 companies.

So what do they want to do about that? Repeal the law that has helped American girls for 25 years.

Our role is to reduce the final Elementary and Secondary Education Act reauthorization of this 20th century. We have got to make it one that prepares all students, boys and girls, for the challenges and for the opportunities that await them.

So I urge my colleagues to support the Mink-Woolsey-Sanchez-Morella amendment to H.R. 2.

Mrs. BIGGERT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I question whether this amendment is needed. But I do want to express my strong support for H.R. 2, the Student Results Act, which includes a provision that will have a direct and positive impact on the estimated one million homeless children and youth in our Nation.

Being without a home should not mean being without an education. Yet, that is what ''homelessness'' means for far too many of our children and youth today.

Congress recognized the importance of education to homeless youth when it enacted in 1987, the McKinney Education Program. But despite the progress made over the past decade, we know that homeless children continue to miss out on what often is the only source of stability and promise in their lives, school attendance.

□ 1715

H.R. 2 strengthens the McKinney program by incorporating the innovative provisions contained in my legislation, the McKinney Homeless Education Assistance Improvements Act. This bill will ensure that a homeless child is immediately enrolled in school. That means no red tape, no waiting for paperwork and no bureaucratic delays. It gives a homeless student the choice of enrolling in the nearest school or in the school he or she attended before becoming homeless. It also improves the way the Department of Education collects its data so that we no longer use unreliable figures that likely underreport the numbers of homeless students. It allows States to select a homeless education ombudsman whose sole job is to help homeless children and youth. And lastly, it authorizes the McKinney program for another 5 years.

Homelessness is and will likely be for the immediate future a part of our society. But being homeless should not limit a child's opportunity to learn. I commend the gentleman from Pennsylvania (Mr. GOODLING) as well as the gentleman from Missouri (Mr. CLAY) for understanding this and for addressing in the bill before us the needs of homeless children. I urge my colleagues on both sides of the aisle to support the Student Results Act.

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

Madam Chairman, I rise in very, very strong support of the Mink-Woolsey-

Sanchez-Morella amendment. Gender discrimination has been institutionalized in American life. It is important that we try to uproot that discrimination from its roots, and what better place to start than the classrooms of America.

I am particularly gratified that the authors of this amendment have included in it language that I suggested with respect to a special education program for gender equity that involves the birthplace of women's rights, in Mount Laurel, New Jersey, the Alice Paul Foundation. Alice Paul understood when she wrote the equal rights amendment, which we will yet ratify, and she understood when she led the fight for women's suffrage that discrimination on the basis of gender is rooted in American life.

My grandmother was born at a time when women did not have the right to vote. My wife was born at a time when the smartest girl in the class, which she was, was told that she could be a teacher but not the principal, that she could be a nurse but not a doctor. Now, nursing and teaching are honorable professions and if a young woman or young man chooses that profession, we should encourage them to do so, but we should educate them that if they choose to be the doctor or the principal or the President, that they have every right to do so. It is important that young women learn that from the word go.

My daughters are 6 and 4. They are being educated in their homes to understand that they can go as far as their abilities will take them. But I understand that in the institutions that they will encounter, they will not necessarily receive the same message. They will be paid 69 cents for every dollar that their brothers earn. They will be told that there are still glass ceilings that apply to them but not their boy cousins or brothers. This must change. The first and best place to change it is in America's classrooms, and the best way to change it today is for us to strongly support the retention of this program.

I applaud the authors for introducing it.

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

Mr. Chairman, the region of America that I represent strongly supports the Women's Educational Equity Act. WEEA, as it is best known, represents the Federal commitment to helping schools eradicate sex discrimination from their programs and practices and to ensure that girls' future choices and success are determined not by their gender but by their own interests, aspirations and abilities.

I have four daughters, and I want the best for them. I want them to be able to reach as high as they can dream. Since 1974, WEEA has funded the following: Research, development and dissemination of curricular materials; training programs; guidance and testing activities; and other projects to combat inequitable educational practices.

Through an 800 number, through e-mail and a web site, the WEEA Publishing Center makes these materials and models widely available at low cost to teachers, administrators and parents throughout. WEEA is critical in assisting schools to achieve educational equity for women and girls. WEEA provides a resource for teachers, administrators and parents seeking proven methods to ensure equity in their school systems and communities. WEEA projects help so that girls can become confident, educated and self-sufficient women.

Since its inception, WEEA has funded over 700 programs. Past and current WEEA-funded projects include:

Programs such as Expanding Your Horizons, which exposes girls to women in nontraditional careers, have been replicated in communities throughout the country often by AAUW branches. Developing ''Engaging Middle School Girls in Math and Science,'' a 9-week course for teachers and administrators which explores ways of creating classroom environments that are supportive of girls' successes in these subjects. Clarifying for schools the definition of sexual harassment and what the law requires them to do about it.

Finally, Mr. Chairman, I urge my colleagues to vote to reinstate the Women's Educational Equity Act, and I commend the authors of this act, the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from California (Ms. SANCHEZ), the gentlewoman from California (Ms. WOOLSEY) and the gentlewoman from Maryland (Mrs. MORELLA).

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

Mr. Chairman, there are several gentlemen on this side of the aisle who relinquished their time to me, and I appreciate that very much. I thank the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from Utah (Mr. COOK).

Mr. Chairman, I rise in strong support of the Mink-Woolsey-Sanchez-Morella amendment. I am proud to have my name on it. It would restore gender equity provisions to Title I programs.

My colleagues on the Committee on Education and the Workforce have really worked hard on this legislation and for that I commend them. I commend the gentleman from Pennsylvania. I commend the members of the committee. H.R. 2 has some very good provisions. The bill encourages parent involvement, targets funds to those most in need, and supports gifted and talented programs.

However, H.R. 2 does not reauthorize the Women's Educational Equity Act, it does not ensure that teachers in Title I schools are trained to treat boys and girls equally, and does not train teachers to encourage children from underrepresented groups, including girls, to pursue careers and higher education degrees in math, science, engineering and technology.

It is my understanding that the gender equity provisions that are in current law have been eliminated because, quote, they have served their purpose and that gender equity has been accomplished and they are not needed. This is simply not true. While many girls are doing better in math and science classes in school, these generally are girls in more affluent schools in suburban areas. Many of these schools, such as Walt Whitman High School in Bethesda, Maryland, or Richard Montgomery in Rockville, Maryland, have made efforts to work with girls to encourage them to take high level math and science classes and correct gender bias in the classroom.

For disadvantaged students, however, it is another story. And those are the students whose needs are supposed to be addressed in this legislation. In Title I schools, boys as well as girls are not succeeding and we must ensure that these students are prepared for the job market as we approach the 21st century. For girls, we must address the problem of teen parenting and its impact on the female dropout rate. We must also address the new gender equity gap that is widening for girls in technology.

Statistics show that African-American and Hispanic students fare poorly in technology. For instance, only 127 Hispanic girls nationwide took the AP computer science exam in 1998. Only six Latinas in the State of California took the exam in 1998. African-American girls comprised 10 percent of the girls taking the exam but 83 percent made the lowest score of 1 out of 5.

The statistics for the general female student population are also disturbing. For example, more than 53 percent of female students take no further high school math beyond Algebra 2. Only 25 percent of female students have taken computer science courses in high school. Only 2 percent of female students have taken the advanced placement test in physics. I could go on and on. Only 20 percent of female students take the three core science courses, biology, chemistry and physics, in high school.

Mr. Chairman, as we prepare to enter the new millennium engaged in a competitive global economic market, we must ensure that our children are fully prepared for the future. Most jobs are going to be technology-based. They say that over 60 percent of them will be. People who can possess information to develop new goods and services and use technology effectively will excel in the next century. Nations that prepare

their citizens for this new economy are going to be most successful, lower tax rates, better services, higher standard of living.

We are going to need a healthy pool of technically skilled persons, information technology workers. We can arrive this only if we educate both halves of the workforce. We cannot afford to dismiss 50 percent of our kinetic energy. We must ensure that we address the different learning needs and styles of girls in the classroom from kindergarten through high school. We all have the same interest at heart, both sides of the aisle, males, females. We all want to make sure that our children and grandchildren are afforded a quality education and that they are well prepared for the marketplace of the future. We can do that by voting ''yes'' on the Mink-Woolsey-Sanchez-Morella amendment.

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

First of all I would like to say that having read the information on the Mink amendment I am not necessarily for it, because it says in our description here, it is to identify and eliminate gender and racial bias in instruction materials, methods and practices. To me that sounds like building a whole new bureaucracy in the educational vein. I am not sure that Title I does not have enough problems already.

In the past, Title I funding has seen few results. However, H.R. 2, the Student Results Act of 1999, has strong accountability measures to ensure that these Federal funds are spent in the appropriate manner, on low-achieving, disadvantaged students of both sexes. It is important to let schools know that if we are going to give you Federal funding, we expect results.

This bipartisan bill creates the academic State reports which show the academic performance of all schools receiving Title I funding, allowing parents and local leaders to monitor the progress of these schools. H.R. 2 also allows students in low performing schools to have the choice of transferring to a public school or to a public charter school that is not low performing.

Accountability does not stop there. This bill requires that within 3 years of enactment, paraprofessionals, or teachers aides, as they say, at schools receiving Title I funding have to complete at least 2 years of study in an institution of higher learning, obtain an associate's degree or higher and meet rigorous standards of quality set by the local school district in math, reading and writing. You cannot really help low achieving students with unqualified teachers aides. These students need the best of the profession to move out of their low achieving status. In the past, this teaching effort was largely done by 75,000 teachers aides. With the additional training, we could almost reach the President's requested 100,000 more teachers with less money and the need to hire fewer teachers. This higher standard will ensure that our Federal funding is used in providing a higher quality of education to our youth, especially since 95 percent of the money must go to the classroom.

We should not use Title I funding again to go to students who have already been failed by the educational system before. Let us support H.R. 2.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a former director of gender equity programs for the largest unified school district in California and the second largest in the Nation, I know firsthand how important this extraordinary program is. I have seen teen mothers come, thinking that they had no other recourse but to stay at home and stay on welfare. With this program they have come to school, they have engaged in job training, with counseling, while their children were in a safe child care program.

I have seen single parents who thought that they had no other recourse but found job training programs while being counseled and were able to become self-sufficient. I have seen displaced homemakers who after a divorce were petrified in thinking that they had to go to work without skills. This is the type of program that we are talking about today, the gender equity programs and the provisions that are included in this amendment.

Mr. Chairman, I yield to the gentleman from California (Mr. MARTINEZ) who has worked with me for years when I was with Los Angeles Unified as the director of gender equity programs.

Mr. MARTINEZ. Mr. Chairman, I rise in strong support of this bill and associate my remarks with those of the gentlewoman that yielded to me. There is no reason why this amendment should not be accepted. Just think about it, gentlemen, when you vote against women, you are voting against over 50 percent of the voters.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I think that is noteworthy, to say that the majority of the voters in this Nation are women.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) who worked with me very closely when she was on the city council in Texas and I was on the council in Carson.

□ 1730

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentlewoman very much for her excellent leadership, just to say that I associate myself with her remarks and others in support of the Mink-Woolsey-Sanchez-Morella amendment restoring gender equity to H.R. 2 and providing opportunities for math and science be taught to our young women. We cannot tolerate any further less than 20 percent of the doctoral candidates in computer science, engineers and elsewise, chemistry, not being part of the female population of the United States.

This must be corrected. I support this amendment.

Madam Chairman, I rise to strongly support this extremely important amendment. Gender equity remains a key issue in America's society, and nowhere is it more apparent than in education—especially in regards to educational opportunities in math, science, engineering, and technology.

We passed Title IX a quarter-century ago to ensure equal opportunities for girls as well as boys. Title IX has accomplished a great number of its goals. If we were to ever question the impact of Title IX, we simply need to recall the USA Women's Soccer Team during its glorious World Cup run and the Houston Comets' unprecedented 3 year reign as WNBA Champions.

Yet, although a great deal of progress has been made, a gender gap still exists in America's schools. Today's education field requires gender-fair policies more than ever. With advances in science and technology, we must work to narrow the gap that exists between boys and girls in these fields. Indeed, to empower young women to achieve economic independence and full participation in the new world of the 21st century, we must ensure that girls are educated fairly.

The Student Results Act, H.R. 2, maintains many standards for public education in the reauthorization of the Elementary and Secondary Education Act. But it lacks many of the gender equity-related provisions that have been proposed—and some that have been part of ESEA for decades. For all students to achieve in school, educators, parents and policymakers must develop strategies to address the different learning styles of all students. Both genders deserve equal opportunity to excel and learn in the classroom.

The Mink-Woolsey-Sanchez-Morella amendment to the Student Results Act includes many gender equity provisions in current law that H.R. 2 has eliminated. These include the reauthorization of the Women's Educational Equity Act (WEEA) which has, since 1974, represented the federal commitment to ensuring that girls' future choices and success are determined not by their gender, but by their own interests, aspirations, and abilities.

This amendment also trains teachers in gender equitable methods and techniques and requiring the identification and elimination of gender and racial bias in instructional materials. The amendment also strives to ensure that dropout prevention programs target pregnant and parenting teens, thereby addressing one of the chief causes of young women's dropout rate.

In addition, the amendment allows Title I schools to set up programs to encourage girls and other underrepresented groups to pursue careers and higher education degrees in math, science, engineering and technology.

This latter issue is of great importance given our current dearth of science and math teachers. Elementary school districts report a 96

percent demand for science teachers and a 67 percent need for math teachers. These statistics are sobering, and we must act immediately.

It is clear that we are not cultivating enough scientists, mathematicians, and engineers from our K–12 schools. In the status quo, high tech firms are looking to import workers from abroad to keep them competitive in this ever-evolving industry. In a nation of innovation such as ours, this situation is unacceptable, and given the opportunity, I am certain that American women could easily fill these positions.

Yet, we find that women face barriers to entry and achievement at all stages of the academic ladder. We have identified a series of mechanisms that mitigate against the progress of women in academic careers in science and engineering. Extra-academic factors as the differential socialization of men and women and marriage and family impede the progress of women. The normal working of everyday features of academic science such as advising patterns have the unintended consequence of excluding women. This amendment could go a long way toward remedying these problems.

In 1983, only approximately 15 percent of undergraduate engineering students were women. Yet, in 1996, that number failed to rise substantially, and less than 20 percent of undergraduate engineering students were women. In 1995, over 50,000 male engineering students were awarded bachelor's degrees. During that same year, only around 10,000 female engineering students were awarded bachelor's degrees.

Just over 15 percent of doctoral computer scientists in the workforce were women. Women represented just over 10 percent of all math doctoral scientists and engineers in the workforce, women represented under 15 percent of all chemistry doctoral scientists in the workforce, and women composed under 5 percent of all engineers with doctoral degrees in the workforce.

H.R. 2 provides greater opportunities for many underprivileged groups. This amendment simply ensures that women are included in its coverage. We must continue the progress afforded by Title IX, and we must provide greater opportunities for women, especially in the fields of math, science, and technology.

I urge my colleagues to support this amendment.

Ms. MILLENDER-MCDONALD. So, Madam Chairman, we are here today debating whether or not we should include a provision that has been included since 1974 that represents the Federal commitment to ensuring that girls' future choices and successes are determined not by their gender, but by their own interests, aspirations and abilities. I do not think that in 1999, as we prepare to enter a new century in which many jobs are based on a thorough understanding of math and science, we would be on this House floor debating whether or not our girls still need and deserve educational equity.

Today we will have the opportunity to vote on the Mink-Woolsey-Sanchez-Morella amendment. This amendment includes many gender equity provisions that are in current law. In addition, the amendment allows title I schools to set up programs to encourage girls and other underrepresented groups to pursue careers and higher education degrees in math, science, engineering and technology.

I can recall, Madam Chairman, when I introduced an aviation program, being gender equity director in the Los Angeles Unified School District. Girls did not know anything about airplanes, and yet we have this program whereby they can do simulations on airplanes and really take an interest in becoming pilots. They were very enthused about that and indeed intrigued about that. These are the types of programs that we can introduce our young women to through a gender equity program.

So, I understand the necessity for gender equity programs and the continuance of a Federal commitment towards such programs.

Now in 1996, Madam Chairman, we were able to restore gender equity funding by a vote of 294 to 129 in this House. We had bipartisan participation then, and I do hope that we will continue to have this bipartisan participation today because our girls, all of us, I think, who are married who have children and have girls, and our girls meet these types of equity programs.

The gentleman will recall as the chairman of the Subcommittee on Special Small Business Problems that we had the digital divide hearing, and with that hearing we saw a disparity of the number of women and men in programs that talked about high tech.

We also saw minority groups that were disproportionately numbered in terms of being in high-tech programs or even having computers in schools or in their homes. This is the type of thing along with the study and the magazine Education Week that shows that only 14 percent of African American students and 25 percent of Latino students used computers for simulation and application rather than just drills. Compare these figures, Madam Chairman, to the 43 percent of Asian students and 31 percent of Caucasian students who use their computers for stimulation, simulation and application.

I know that time is out, the time is out for us to stop playing around with our girls' future and put this provision in for the sake of the future of this country.

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

Madam Chairman, improved student achievement and a quality education for every child is a top priority for all of us. That is why I am proud to support H.R. 2, which will accomplish just that, close achievement gaps and raise the academic performance of every student. This bill effectively responds to needs of our States and local communities by empowering them with the flexibility they need to achieve these important goals.

Just yesterday educators from my home State of Utah reiterated here in Washington their support for giving schools the flexibility to use funds in effective and innovative ways that will actually benefit students and improve achievement. A one-size-fits-all directive from Washington has failed to narrow these achievement gaps in the past. This bill targets students most in need to ensure that no one is left behind.

This is very important for States such as Utah where disadvantaged students are not concentrated in specific districts, but are spread throughout the State. This bill will help those students to finally receive the attention and the funding needed to reach their potential.

Accountability is the key component of this bill. School districts will have to report to parents on the academic progress of their children as well as their performance compared to other title I eligible children. This will provide parents with practical information about school quality, teacher qualifications, and academic performance within their State.

I would also like to thank the chairman and the committee for their willingness to insert the 85 percent hold-harmless language that the gentleman from Utah (Mr. CANNON), my colleague, and others so diligently worked to have included. This will ensure that the children in my State and others will not be greatly impacted from a decrease in title I funding under the current formula.

Parents and teachers know what is best for their children, not bureaucrats in Washington. Ninety-five percent of title I funds will be sent directly to the classroom where those funds belong, not in Washington.

I urge my colleagues to support this bill which will help our children get the best education possible.

Mrs. MEEK of Florida. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I certainly want to thank my colleagues, the gentlewoman from Hawaii (Mrs. MINK); the gentlewoman from California (Ms. WOOLSEY); the gentlewoman from California (Ms. SANCHEZ); and the gentlewoman from Maryland (Mrs. MORELLA) for trying to restore the confidence and the conscience of this Congress by making sure that we do not forget that women and children and girls require equal treatment, particularly in education.

Education is the mainstream of our country. If it were not for education,

then none of us would be here today because that is the backbone of our character and our ability to communicate and to help America understand.

Therefore, today we must focus all of our attention on the issue that no inequities exist anywhere in our society, and in order to do that we must be sure that there is a continued Federal commitment to solving these inequities. Fairness is extremely important to all of us. We must be sure that fairness is there. We must be sure that diversity is attended to in all levels of education, not just in higher education, but in K through 12 and into higher education that that fairness has to be there.

I did not receive it, Madam Chairman, when I was coming along. Now the time has come that we all be treated fairly. That is why this amendment is going to restore that, to be sure that no one is being treated unfairly.

So we must support this amendment. This amendment makes clear that we must retain these solid principles that will keep this Nation a Nation unified, a diversified Nation. We must treat boys and girls fairly and prepare the teachers so they will know how to do the kind of work they need to do. And in the name of my grandchildren, I have four strong girls, Madam Chairman, as hard headed as I am: Amber Kinui, Carrie Yoshimi Kinui, Ayo Raiford and Lauren Meek, and in the name of those four grand-girls I want them to become strong women, Madam Chairman, based on education, and certainly I thank us for the Federal commitment.

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

Madam Chairman, I was not going to speak on this amendment.

I am very sympathetic to the amendment, but I have to say quite clearly I was rather taken aback at a statement made by a dear, dear friend of mine from California; and the statement was made that somehow that we have got to be aware that when we vote against or for women we are voting for or against 50 percent of the voters, and I think that really, really is the kind of statement that Americans want to see less of from this House.

I say this sincerely, because when we vote against or for women and/or girls in this House, we are voting for or against our daughters, our mothers, our sisters and our grandmothers, not voters back and forth. We are here to serve, as my colleagues know, the people out there in the real world.

And the political jargon, I think people are really, really tired of bringing it up; and I am sure that my dear colleague from California did not mean for it to come out the way he said, as if this was a political ball to be used in this amendment.

Now I feel very sympathetic to this amendment, and I do see that we want equity, and I want to strongly make sure that when we implement our education strategies that we have equity. I have daughters and I have sons, and I would hope as a parent that every parent feels the way I do, that we want our children, no matter what their gender, to have access to quality education, to be able to achieve academically.

Now frankly in my family it is the boys that have the problem academically, and I hope that when they have trouble that there will be the resources there to make sure that they get through. But my daughters happen to have the ability right now to be able to achieve.

But, Madam Chairman, I just want to say clearly that I think that this is a well-intentioned amendment. I am not speaking in opposition to it, but I am speaking to my colleagues on both sides of the aisle, that when we start using terminology here, let us remember that we are all working for our daughters and our sons and our granddaughters and our grandsons and try to bring it together; and I look forward to working with the sponsors of this amendment who are dear friends of mine at making sure that we implement a fair and equitable educational system in this country to make sure that our daughters and granddaughters and sons and grandsons all can work together for a better education.

Mrs. JONES of Ohio. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, just think about it like this:

Right here on the House floor in 1999 I am able to turn around and say, Thank you, Madam Chairwoman. But for programs like WEEA, it may well have not even happened. See, 25 years ago the first woman military pilot, Barbara Raines, was named, and then it took 10 more years for it even to happen for the first woman, Katherine Sullivan, to walk in space. Hopefully in 2004 we will not have to be counting the first woman. There will be many women who have had an opportunity in the technological world to participate.

I rise in support of the Mink-Woolsey-Sanchez-Morella amendment. This amendment has my full support because it will restore funding to the Women's Educational Equity Act. We have funds, instructional materials, teacher training, and it encourages women to pursue careers in the fields of math, science, technology, and engineering.

As my colleagues know, I wanted to go ahead and read my written words, but I just decided it would be more appropriate for me to talk from right here. In 1974, I graduated law school, and my daddy was so happy he said, Yes, she finished law school, and he said, Stephanie, what are you going to do next, and I said, Dad, you know I don't know, but whatever it is, please be with me.

In 1981, I ran for my first judgeship, 31-years-old, and but for programs like WEEA I never would have even been encouraged to go to law school. Made my daddy so happy when I got elected. Election night do my colleagues know what he said? See, I got a judge in the family and didn't even have to have a boy. My daddy thinking like that, who loved and was endeared to me.

I would suggest to my colleagues that there are young women all around this country who need the opportunity to be encouraged and supported.

Let us talk about right here in our own House, 57 women out of 435. Think about it. Think about it. Women need to be encouraged to be right here on the floor. They do not need just solely technological support, they need to think about how can we be here on the floor of the U.S. Congress talking about issues that impact the entire country and only 57 of us are women.

But let us even talk about major corporations. It is a wonderful woman who just became the head of a major corporation, and there are only three to five that head major corporations. It is in the technology; it is in the training that these young women have not been given the opportunity, the access, the encouragement, the support, the love, the nuturing, all of which they need to become what they want to be.

Now see, I appreciate the gentleman saying he is sympathetic to this piece of legislation. Do not give me sympathy; give me a vote. That is what we need right here on the floor. My colleague can be sympathetic if he wants to, but he should not tell his daughters he is sympathetic and he does not want her to go to medical school, he does not want her to go to law school, he does not want her to be a engineer.

□ 1745

As we stand here on the floor today, it is important to think about all the young women across this country, and we are 50 percent; and God willing, we may even in fact be 65 percent of the next election. We do know that women vote more than men do. It is not a political game we are playing here. We are playing with the lives of young women; we are playing with the heads of the families of young women. We are playing with the heads of our young men, because it is the women who raise the young men in this country.

So I would just ask my colleagues, support this amendment. It is important to you, it is important to you, it is important to our children; and in the end, we will all be paid off.

Mr. CUNNINGHAM. Mr. Speaker, I move to strike the requisite number of words.

Madam Chairman, I have a grandmother and a mother that never had a chance to go to college. I have a wife

that has a doctorate and two master's degrees. I have my oldest daughter is a gifted writer at the University of California, San Diego. My youngest daughter scored 1550 on her SATs as a junior in high school. She is head of the science team. She soloed, because I heard the gentlewoman talk about flying, she soloed at 16. We did not need a Federal law to have women to be able to participate. I introduced Barbara Raines, the first pilot, when she came into flying, and I knew her and I welcomed that, and I welcomed people that tried to achieve.

But let me tell my colleagues something about equity when we are talking about not just this amendment. I want to bring to Members' attention something that is not in this bill and should not be, but is in the Senate version of the education appropriations bill for fiscal year 2000.

We understand that the Senate has included a legislative rider in its 2000 Labor-HHS-Education bill placing a special 100 percent ''hold-harmless'' on State-by-State distribution of Title I grants. What that means is that in the States where population has grown, they get less money because the States where the population has fled from are held harmless, and they get the same amount of money.

What happens is we have hundreds of thousands of children that are being underserved in Title I, while other States that do not have as many students still get the same amount, and we think that is wrong.

There are three reasons that the Senate provision is bad for children, for men and for women, for boys and for girls. It unfairly penalizes schools located in States with growing populations of disadvantaged school-age children. It most directly impacts on those with the largest and fastest growing numbers of immigrant and Hispanic schoolchildren. The Senate provision, in my estimation, is anti-immigrant.

Now, I stand opposed to illegal immigration. We are talking about legal immigrants that are underserved under Title I because of the Senate's hold-harmless provision. I would hope my colleagues on both sides of the aisle would support the language in the House, and I hope the Committee on Rules does not make in order or protect authorization on an appropriations bill.

Mrs. CAPPS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I want to offer my strong support for the Mink-Woolsey-Sanchez-Morella amendment to restore gender equity provisions in H.R. 2. We must restore funding for the Women's Educational Equity Act. This landmark legislation was established in 1974 to help school districts and educators provide equal opportunities for girls and young women in our schools. This equity act represents the commitment of our Federal Government to ensuring that the future choices and successes of girls are determined not by their gender, but by their own interests, their aspirations, their abilities. Without the support that this amendment makes possible, in fact, young women are held back because of their gender.

Now, girls have come a long way, but we still have work to do. Today, only 17 percent of the students who take computer science advanced placement tests are girls. This figure alone is enough to tell us that gender equity programs are still needed. Additionally, H.R. 2 does not continue funding for dropout prevention programs that target pregnant and parenting teens.

I spent 20 years working as a school nurse in the Santa Barbara School District where I was the director of the Pace Center, a program for teen parents called the Parent and Child Enrichment Program. This program encourages teenage mothers to stay in school, helping them to take responsibility for their lives, and to gain access to child care and other support services. It is essential that this Congress work hard to reduce teen pregnancy so that our teens do not become parents before the time is right. But, if teens do become pregnant, we must work to keep them in school, helping them to keep their lives on track, and teaching them to be nurturing parents.

I have seen firsthand the struggles that teenage parents face, and I know how important these dropout prevention programs are.

Madam Chairman, I strongly urge my colleagues to support these gender equity and dropout prevention programs. I am honored to have three students from my district here in the Capitol today, and they are accompanied by the program development director for Girls, Incorporated. These constituents of mine know firsthand and they know full well the importance of these gender equity programs.

Madam Chairman, we here in Congress, we must do our part to keep our promise to the students of this Nation to ensure that everyone receives equal educational opportunities.

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

Madam Chairman, I rise in opposition to the Mink amendment. The GAO found that only 17 percent of these grants were being utilized. The resources were going to a relatively small number of agencies; but most of all, it discriminated against some children by preferences over others.

Let me tell my colleagues about a trip I recently took in Wichita, Kansas, to the Levy Special Education School along with superintendent Winston Brooks. I saw firsthand there how Title I funding was changing the lives of special education students. Life has dealt these kids a bad hand, and as compassionate Americans collectively, we are trying to even the odds a little and close the gap between the average student and these specially challenged, loving children.

Madam Chairman, H.R. 2 gives the local school districts the flexibility to manage the Federal dollars, to meet the needs of these special people. At the Levy Special Education School, I met a special young man. I will call him Mark. Mark had a great potential, if someone could only draw it out of him by spending a little time with him. By teaching Mark, even though it was very tough, they were able to give him some of life's basic skills. Mark moved out of a small, dark, and quiet world into a bright day where he talks, he reads, and he now has the confidence to be productive in our community.

Mark is a success, but H.R. 2 can increase the possibilities of success for many others trapped in a dark world.

Over the next 5 years the Student Results Act will channel approximately $9.33 billion annually into programs for 10 million disadvantaged students like Mark, with more than $8.3 billion going specifically to Title II. The Student Results Act contains several provisions that I strongly support, such as quality instructions. In the past, Title I has been used as a ''jobs program'' for unqualified teacher aides. H.R. 2 increases the minimum qualifications that must be met by all teacher aides within 3 years. Furthermore, H.R. 2 ensures Title I teachers are more qualified and that parents are aware of the numbers of teachers and the teachers' aides that are hired with Title I dollars.

Also under the Student Results Act, parents have the option to exercise public school choice for the very first time. I agree with my colleague who is chairman of the Subcommittee on Early Childhood, Youth and Families when he said the public choice provision is a simple concept. Children should not be forced to attend failing schools. H.R. 2 allows children attending schools classified as low performing to have choices about their education, by giving them the opportunity to attend a higher quality public school in their area.

This act also includes academic accountability by modifying existing accountability standards to ensure that all students, not just a specific number, but all students, especially the most disadvantaged students, show increased academic achievement at school and State levels.

Madam Chairman, H.R. 2 rewards performance. It will reward excellence in education by giving States the option of setting aside 30 percent of all new Title I funding and provide cash rewards to schools to make substantial progress in closing the achievement

gap between the students that are special-needs students and the average students.

One of the most important provisions in H.R. 2 for Kansas is that it gives rural schools new flexibility to consolidate Federal funds. With provisions similar to the Academic Achievement for All Act, under H.R. 2, school districts with less than 1,500 students will be exempted from several formula requirements, giving them the flexibility to target Federal funds where they are most needed within the school district. Under the Student Results Act, school districts receiving Title I funding will distribute information to parents so that they can make good decisions, and they will distribute it to the public; and it is going to be based on the academic performance of each Title I school. That is called the ''school report card.'' There is also testing for students in English learning where students who have attended school in the U.S. for at least 3 consecutive years will have testing and reading and language arts and the English language.

But one of the other most important things is that H.R. 2 makes sure that ESEA programs are based on current scientifically based research and not on some unproven fad that has been plaguing our educational system in recent years.

Madam Chairman, H.R. 2 was overwhelmingly approved by the Committee on Education and the Workforce last week. I urge my colleagues to vote against the Mink amendment, but to vote in favor of this measure and encourage President Clinton to sign into law H.R. 2.

Ms. VELÁZQUEZ. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I come to the floor today in full support of the Mink-Woolsey-Sanchez-Morella amendment reauthorizing the Women's Educational Equity Act.

The Women's Educational Equity Act encourages the training of teachers to treat boys and girls in the classroom fairly. It helps to prevent teen mothers or teens who are pregnant from dropping out of school, and it allows teachers to be trained to promote education in math, science, engineering, and technology among girls.

According to the National Assessment of Education Programs, despite some gains for girls in math and science, gender differences in scores still exist. The University of Illinois at Urbana-Champaign found that performance-based science classes did not ensure equal participation among boys and girls. In classes where teachers are not sensitive to gender issues, the study found that there had been even fewer opportunities to take an active role in hands-on learning.

Eliminating the Women's Educational Equity Act would signify the dissolution of the only Federal program that specifically tackles the barriers to educational opportunities for women and girls. Gender equity practices, policies and principles must continue to be an integral part of the Federal education legislation.

Five years ago, reauthorization of the Elementary and Secondary Education Act included strong provisions for gender equity in education. We must not abandon those principles.

I urge every Member to vote for the Mink amendment and support gender equity in elementary and secondary education.

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

Madam Chairman, I would just like to talk a little bit about my family. I very fortunately have a wife of about 38 years who is a wonderful woman and has been a great partner to me all through our life, and we have six children, three girls, three boys. My girls, daughters, have all graduated from college. The boys are trailing behind a little bit. They have not done quite as well as their sisters, but they are doing well in life and in providing for their families. We have 17 grandchildren. We have nine granddaughters and eight grandsons, and two on the way.

□ 1800

The thing that I am really proud about is that these daughters that graduated from college have done so without any special help or special benefit.

We taught our children that they are all good and that they can all do good things. They do not need special handouts or special help.

I have a little granddaughter that is competing. There is a boy in her class and she is in the second grade and one test he will be the best in the class and one test she will be the best in the class. She is very competitive, does very well in sports, in soccer and in her school work. I just hate to tell her that she needs special help to compete against the boys or other girls, and I just think that it would be good to be able to treat girls and boys as equals and give them both a chance to compete and do well in life.

That is all I want to say on the amendment, but I would like to say a little bit more about the bill.

I rise in strong support of the Student Results Act of 1999. H.R. 2 builds upon the public education reforms this Congress has already considered. First I would like to commend the gentleman from Pennsylvania (Mr. GOODLING) and the subcommittee chairman, the gentleman from Delaware (Mr. CASTLE), for their hard work. As a member and subcommittee chairman of the Committee on Education and the Workforce, I am well aware of the time and effort it takes to put legislation together and to get it to this point, and I wanted to commend them for their work and their dedication and leadership in bringing this here.

Also, the gentleman from Michigan (Mr. KILDEE), the ranking member with whom I had the opportunity of working in the last Congress on our Higher Education Act, I know he has worked very hard and diligently on bringing this bill to the floor.

At the beginning of this year, House Republicans outlined our top priorities, and strengthening public education was at the top of that list. Enacting the Student Results Act will move us another step toward that goal. H.R. 2 reauthorizes title I of the Elementary and Secondary Education Act and other programs, which are the cornerstone of the Federal Government's role in education, to provide assistance to our most disadvantaged children.

While we have spent billions of dollars over the last 30-plus years, the research shows that these programs are not meeting the goals of the act. So we must change the failings of the past and replace them with real results, and we can do that by voting for H.R. 2.

For example, H.R. 2 places new qualifications on teachers' aides who are hired with title I funds. Too often they are providing instruction with little training. In fact, under current law these aides are not even required to have a high school diploma. All we ask for is that if they are going to be working in the classroom, they must meet basic standards. Quality teaching is mandatory in order for these children to succeed.

Finally, I would like to take a moment to discuss an issue that is very important to my home State of California and many other States with fast-growing populations of poor children, the title I funding formula. Five years ago when we last authorized the Elementary and Secondary Education Act, we called for periodic updates to the formula so funding will go to where the most disadvantaged students are living.

However, that provision has never been fully implemented because the Senate has substituted a hold-harmless each year the Labor/HHS does their appropriation. This simply is not fair and punishes our Nation's neediest students.

I am pleased that this year's bill retains the changes we made and also calls on the appropriators to abide by the authorizing language. For these reasons and more, I call on my colleagues to vote for this important legislation.

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

Madam Chairman, I rise in strong support of the Mink/Woolsey/Sanchez/Morella amendment which restores current gender equity provisions to ensure that girls succeed in school. We

need to support gender equity and diversity through all levels of education. For decades, title I has included essential programs to address the gender gap in education. Now arguments have been made that gender inequities no longer warrant our attention. While it is true that girls have made some improvements, the statistics show there are still major gaps in areas such as technology.

In our fast-paced global economy, it is essential that girls receive the technology skills to compete successfully.

Another continuing problem is inequitable teaching. In 1998, an American Association of University Women report showed that gender inequities still persist in teacher practices. While in most cases teacher biases are unintentional, we need to develop and implement strategies to prevent classroom gender biases. These and other examples show why we must continue to address the need for gender equity in education. We should make this good bipartisan bill better and adopt the Mink amendment.

First, this amendment includes provisions to keep pregnant and parenting teenagers in schools. This is one of the most common reasons girls give for dropping out of high school. We should not and cannot turn our back on those who are at risk.

Second, the amendment continues to encourage title I schools to meet the educational needs of underserved populations, including girls.

Schools should develop strategies to treat boys and girls fairly in the classroom and to encourage girls to pursue higher degrees and careers in math, science, and technology.

Finally, this amendment would reauthorize the Women's Educational Equity Act, WEEA, which was enacted in 1974 under the leadership of the gentlewoman from Hawaii (Mrs. MINK), to help schools and teachers meet the title IX requirements that prohibit sex discrimination in educational programs that receive Federal funding. WEEA provides resources for teachers and schools seeking equitable education models and methods. Girls all over this country have realized the success of WEEA and other currently working programs; and given the current continuing evidence of the need, we must reaffirm our commitment to ensuring that girls have choices in the future that are not limited by gender; and therefore I urge my colleagues to adopt the Mink/Woolsey/Sanchez/Morella amendment.

Mr. MORAN of Virginia. Madam Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Madam Chairman, I thank the gentleman from Maine (Mr. ALLEN) for raising the very important issue of technology. H.R. 2 is a very good bill because it really does address the inequities that exist throughout our public school system, but this amendment is also a terribly important one.

The gentleman talked about technology. I represent an area that currently has about 23,000 unfilled technology jobs, and yet I read in the paper that only 17 percent of the students in computer science classes are women. So in an area that is expanding so fast, where we so desperately need skilled, well-educated personnel, we really need to be making a special effort to get the other half of our population far more involved in the kinds of jobs that give them control over their lives economically and socially.

This amendment is designed to achieve that objective. It is a good amendment. I support it and it makes H.R. 2 all the finer piece of education legislation that should really set the direction for the 21st century.

Madam Chairman, I rise in strong support of this legislation as a means of addressing the major inequities that disadvantaged students suffer as a result of our system of raising money through property taxes for our public schools. But it does lack an important measure which this amendment would restore and accordingly I would urge my colleague's support.

The Women's Equity Education Act is so important to ensuring that girls are afforded the same educational opportunities as boys. We have made great strides in this direction since the program was originally initiated 25 years ago. Some may even suggest that the program is no longer necessary. I disagree for many reasons, but one sticks with me.

My district and its surrounding community in Northern Virginia is home to many of the most prosperous high-tech companies in the world. Companies like America Online, Oracle and Network Solutions employ many thousands of my constituents. The Northern Virginia Technology Council estimates that there are 23,000 unfilled jobs in Northern Virginia in the high-tech field.

But here I read that only 17% of students in advanced programming computer science classes are young women. In a seemingly ever expanding economy based on new technologies, to not encourage women to fill these high paying, desirable jobs by encouraging their participation in these educational field would be unconscionable, and the result of leaving the Women's Educational Equity Act out of this bill.

I urge my colleagues to continue to strive for gender equity, to end the disparity between women and men in earnings and retirement savings, and most importantly to make sure that girls and young women are afforded the same opportunities as boys and young men in our public schools.

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

Madam Chairman, I probably somewhat reluctantly rise in opposition to the Mink amendment. I have a number of friends here who are ladies, and there is no question in my mind that they are here because of their ability and their desire to do a good job.

I think that H.R. 2 is a great bill. It does things that are badly needed, but as I sit and listen to the debate, I wonder do we really have a gender equity problem? I do not think so. In the past, there have been serious problems. These problems have been addressed in the process of governmental reform. If we have problems with equity now, it seems to me that this is a management problem, not a legislative problem. It is very clear in the law that we will treat everyone fairly. If someone does not know that by now, then management in the school system certainly is well equipped to deal with what is a management problem and not a legislative problem.

I hope we would not distract from the many fine qualities and features of H.R. 2 that are before us today by going off in a direction that ultimately may not be positive for all of our students.

Let me talk just briefly about H.R. 2. Recently, as recently as last week, I had the experience and pleasure of being in Fayetteville, North Carolina, in my home district. I witnessed the choice school, a local community addressing the needs of their children. It is known as 71st Classical Middle School. It is a school for middle schoolers sixth through eighth grades, a school that parents and students choose to go to in the public school system. This school is in its fourth year of existence and is already ranked as one of the top 20 middle schools in the State of North Carolina. There is a competitive, random selection application process that is used to select students for this school. Parents and teachers sign a contract, as do the students, in which they agree to strict adherence to discipline, prescribed codes of dress, high expectations, rigorous academic standards; in other words, the kind of flexibility that we all aspire to with H.R. 2. Wonderful atmosphere, young people who are excited about learning, teachers who are committed to the process; a building, interestingly, that was built in 1924, in pristine condition, restored at a cost of some $500,000, which is a stark contrast to a replacement of probably $15 million.

My point is, this was an atmosphere in which learning was taking place because local parents, teachers, superintendents had the flexibility to make choices that really worked for their young people.

Let me read just a portion of what that contract says: ''In order to maintain a positive academic environment conducive to high standards in teaching and learning, students will be accountable for responsible, respectful behavior. Students must adhere to the rules contained in the Cumberland County Schools' Student Code of Conduct, the 71st Classical Middle School

Dress Code. If failure to abide by these rules results in a 3-day suspension or more, the student shall be transferred to his or her home school unless disciplinary action results in a long-term suspension from all schools.'' As I say, what a wonderful atmosphere where learning was taking place.

With this contract comes accountability, just what H.R. 2 is about, both from students and from teachers, and even more importantly, respect. They wear uniforms. The school is pristine. They have seminar classes in which students gather to talk about subjects across the academic spectrum. They develop life-long learners. They utilize a variety of instructional methods, stimulate creative and critical thinking through seminars. They emphasize positive character development, ensure strict adherence to a code of conduct, mandate prescribed standards of dress. There is no peer pressure there.

I would read the code in part, if time would permit. Again, the goal is to have all of the schools in Cumberland County to have these kind of choices that result in this sort of atmosphere and give these kinds of results.

Madam Chairman, I recommend H.R. 2 and support it strongly.

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

Madam Chairman, I rise in strong support of this amendment to restore and strengthen title I's and ESEA's focus on gender equity. I have yet to find a school in this country, and I traveled throughout the country, where additional help on the area of gender equity would not be useful.

Girls continue to be educated at a lower level in the areas of mathematics, science, and technology and even other areas. This has the effect of denying women access to careers that are higher paying and to self-sufficiency. Since our girls continue to fall behind boys in these critical access areas, I cannot understand why this House would not adopt this very, very reasonable amendment.

Certain Members have stood up here and have stated that their daughters are doing well without the help of the Federal Government. Those daughters, I am sure, have benefited from the Women's Education Equity Act without even knowing about it. My daughter, I know, benefited from the Women's Education Equity Act, and she was not even aware of the fact that it was on the books.

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So they stood, I am sure, in good faith, saying their daughters have not been affected by it. The laws may not be published on the wall to have an effect in the school. In fact, the schools are required to do certain things that have touched the lives of countless girls in the schools in this country. So I certainly strongly support this amendment.

Madam Chairman, I yield to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Chairman, I thank the gentleman for yielding to me. I rise in strong support of the gentlewoman from Hawaii (Mrs. MINK) and the gentlewoman from California (Ms. WOOLSEY) and the gentlewoman from California (Ms. SANCHEZ) and the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentlewoman from Maryland (Mrs. MORELLA) for offering this amendment.

Madam Chairman, the fact is that, generally, for thousands of years, we have had a circumstance in our society, in the Western society, where women have obviously not had the opportunity to develop their full potential.

In our Nation, some 2 decades ago, this legislation was enacted in an environment in which there is a recognition that as a society, if we want to grow, if we want to retain our full productivity, we need to obtain the participation of all race and color and gender in our society.

We have made some very positive progress. But to think that we could turn on its head 1,000 years of, basically, gender discrimination in the base of 2 years is, I think, arrogant.

I think the recognition of that is represented in wages that are paid, in the presence of women in the course studies of engineering and science and many other specialties where they basically are not able to participate on an equal basis.

I think, just as a society, this is a great bill in terms of investment in our people, investment in our communities to build a better society, have a more productive economy. But we cannot do that if we are going to not develop the full potential of both the men and women or the young men and women in our society.

So I look forward to this amendment receiving the type of support it deserves. Frankly, the small amount that is being asked here to help and encourage and to provide leadership in this Nation and globally; quite frankly, it is not just here. I mean, other nations look to us in terms of what we are doing and the leadership that we have provided in terms of women's rights and the involvement of women and the status of women around the globe, whether it is in international forums, whether it is in other countries where there is a persistent discrimination and alienation and rejection of the full participation.

This is, after all, a Nation where we have the franchise where we have changed many things. It is not time to rest on our laurels; it is time to move ahead. To move ahead with this amendment in this body for this small amount, we need to do this; and we need to do much more, quite frankly.

Some of the best teachers and some of the best folks that I have ever worked with in my career in developing my skills, starting with my mother, I am one of eight, and she was a great leader, and I would say with the teachers, instructors that I have had in my college and professional training, have been women, women scientists. Actually, I was a science teacher. So these scientists have devoted their lives. We need to develop and encourage more women to take up these fields so we can have the benefit of that in our society.

Madam Chairman, the American public time and again has rated education as a top priority—above tax cuts, above foreign affairs, above defense, even above gun control and protecting Social Security. I am pleased that this body has uncharacteristically set partisan politics aside for a moment to focus on the needs of our students. Title I is especially important because it provides funding to ensure that all children, despite financial background, ability, or language barriers, have the support they need to be successful in our schools and beyond. In fact, Title I is to education what preventative medicine is to health care; giving schools the opportunity early on to offer added services to students who are at risk of falling behind academically in their schooling.

The Saint Paul school district, one of the school areas I represent, has undertaken this year a new strategic plan entitled Raising Expectations. The school district is committed to establishing respectful working relationships with Saint Paul's diverse students and families. In short, they are holding themselves accountable for making our schools better places to learn and work. I am proud that the Saint Paul schools have made this initiative a priority. Passing Title I legislation today will demonstrate to them that the Federal government is truly interested in helping them achieve these goals.

The Student Results Act, H.R. 2, strengthens many of the provisions in current law. Overall, I support a number of provisions which retain the basic structure and focus of the Title I programs, but there are some areas in which I think the bill could be further improved. In particular, there are two initiatives which I believe will divert funds from those schools and students who would best benefit from them. I am disappointed to see that the current Title I eligibility requirement for the use of funds for school-wide programs was lowered from 50 percent to 40 percent. This would dilute the funds rather than concentrate on the most needed student population. Additionally, this bill would allow states to use Title I funds to provide financial rewards to schools that have succeeded in improving their students' academic achievement. While I certainly understand the importance of recognizing schools which have been successful, we should focus funding on schools which need those resources; not divert Title I funds as a reward, especially when so many factors in dispute are used as indices of success.

In addition, I have concerns with the provision which requires students with limited English proficiency to receive parental consent before being served by Title I programs. Nearly one-third of the Saint Paul school district's

student body is comprised of Asian-American students, most of whose parents cannot read or write English. These kids need extra help and may fall through the cracks of the system if we focus resources on fulfilling bureaucratic requirements rather than on providing services to LEP students. Providing parents an "opt in" to an ESL program doesn't address the real needs and deficiencies of the student. Students should receive the instruction they need based on sound diagnosis, because a positive experience throughout their school career is based on the assumption of language competence.

Finally, this legislation regrettably does not provide funding for the promotion of fairness and equity. The Women's Educational Equity Act has, since 1974, represented the Federal commitment to ensuring that girls in the classroom have an equal chance to succeed. Teachers should be trained to treat all students fairly and ensure that instructional materials, methods and practices do not promote racial or gender bias. In fact, our school and society today must aggressively recruit and enroll women in technology, engineering, and other math and science based learning, and promote the foundation for such in our school settings. Therefore, I'll enthusiastically support Representative MINK's amendment that will be offered to this measure.

Title I is truly a cornerstone of Federal support for building the bridge between disadvantaged students and their peers. I encourage all of my colleagues to support funding for this important program.

Ms. SCHAKOWSKY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, many of us have gotten up and talked about our children and grandchildren, and I am going to follow suit. I have a beautiful, bright, intelligent, exceptionally talented granddaughter, 18 months old. Do I need to worry about her? Probably not. She gets a lot of attention from her mom. We are all going to be nurturing her and making sure that, at school, she gets the best attention and that she does just fine. But what we need to be doing today is looking beyond our own families.

For anyone on this floor to get up and say we do not have a gender equity problem is not looking in the right places. All they have to do is look around here and see the small percentage of women, 11 percent of the Members of the United States Congress. I assure my colleagues that I did not grow up thinking that I could become a Member of the United States Congress. It was just not on the radar screen for girls.

That is what we are talking about. How are we going to put on the radar screen for the more disadvantaged girls in this country the opportunity to do and be anything that they want to be?

Do we have gender equity? Of course we do not. While educational opportunities for girls and young women have improved in some areas, many are not given the chance to learn the technology skills needed to compete in the 21st Century.

Let me give my colleagues a few numbers here. Although experts predict that 65 percent of all jobs in the year 2010 will require technology skills, a very small percentage of girls choose to take computer science courses. They are probably not encouraged to do this. There may be subtle differences there. Their teachers need training to encourage them. When they do take those courses, they use them for word processing, the 1990s version of typing.

Only 17 percent of students who take computer science advance placement tests are girls. Is that because 17 percent of the girls are smart enough? No. It is because 17 percent of the girls are all the ones that have been encouraged to do so. We need to make those numbers much, much higher; and we can.

Then there is a very real economic component to the lack of gender equity in our classrooms. They carry that burden with them all through their lives. Women are still paid 75 cents on the average for every dollar that a man with the same qualifications doing the same job earns. Over a third of all families headed by women alone were below the poverty level.

The training for women for low paying, traditional fields helps perpetuate the cycle of poverty and powerlessness for both women and their children. If we are truly committed to empowering young girls and young women and if we want to be able to stand up here at some point and say with truth that we no longer have a gender equity problem, then the least we can do today is support the Mink-Woolsey-Sanchez-Morella amendment which simply seeks to restore the gender equity provision that has been there for a long time in H.R. 2.

Mrs. NAPOLITANO. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, certainly I want to recognize the great work that has been accomplished in this amendment by my colleagues, the women of the Congress. I am very much in favor of and support this amendment to H.R. 2.

Had WEEA been in effect when I was in school, I do not think it would have taken me 40 years to get to this stage, to this floor, and to this Congress. Yet, while gender equity efforts have made gains, we talk about our women's performance, about how we want to help our young people, our young women; we are not in an age where we can say we can rest, it has been taken care of. We have a lot yet to do. We have made quite a few gains, but there is still a lot of work to be accomplished. The passage of this amendment will help us get there.

In my State of California, possessing high-tech skills is a key to success. However, far fewer young women take computer science courses compared to boys. My colleagues have heard those statistics. We do not want the next generation of women to be left behind. We want them to be able to have equity and to compete fairly.

It is our duty, and it is our responsibility as leaders of our communities to bring down those barriers that block young women from future success. Passage of this amendment to H.R. 2 will help ensure that the next generation of young women are not shut out of the high-tech revolution or out of any other career they choose to follow. Support and vote for this amendment to H.R. 2.

Madam Chairman, I yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Chairman, I commend the distinguished gentlewoman from California (Ms. NAPOLITANO) for her excellent statement on this subject, and I thank her for yielding to me.

Madam Chairman, it is very interesting to review why we are here tonight. Twenty-five years ago, under the leadership of the gentlewoman from Hawaii (Mrs. MINK), our great colleague, the Congress of the United States passed legislation, the WEEA; and it has served as a resource to parents, administrators, and educators to guarantee academic equity in their educational institutions.

Here we are 25 years later, and Women's Educational Equity Act is being debated on the floor again. Why? It is really a remarkable tale, almost unbelievable if we had not been conditioned by events of the past years, few years.

The Republican majority in the House of Representatives has chosen to remove the gender equity language from this bill, H.R. 2, which in itself is a bill worthy of our support and which I intend to vote for, and I commend the gentleman from Pennsylvania (Mr. GOODLING) for his leadership on the bill.

But why would the Republican leadership in this House decide that, after 25 years of effectiveness in helping young girls receive equity in their education, that the Republican leadership would take this language out of the bill? This is not a positive initiative being advanced on the floor today by the Democrats and for education for young girls. This is an attempt to remedy the elimination of this important language from this bill which has served our country well for 25 years.

This is about helping young girls who fall under Title I, the most disadvantaged young people in our country. We want them to have the opportunity to study math and science.

We need to do this. We still need to do this. For example, only 17 percent of the students who take computer science advanced placement tests are female. While women comprise 50 percent of the population, indeed, over 50 percent of the population, they are

only 8 percent of the engineering force. The technology gap will exacerbate as time goes by, and the glass ceiling will be affected by that.

We know that by the year 2010, 65 percent of all jobs will require advanced technology skills in order to work in them. So as technology becomes more important in the work force, this technology gender gap, if it is not addressed, women will fall behind further.

So, again, I commend the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from Maryland (Mrs. MORELLA), and all of those who worked to put this amendment together to correct and to restore what the gentlewoman from Hawaii (Mrs. MINK) worked for so hard those 25 years ago.

Ms. BROWN of Florida. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the amendment. This act represents the Federal Government's commitment to ensure that young girls will not be discriminated against in schools because of their gender.

We have struggled for years to level the playing field for boys and girls; and just as we are beginning to see the benefits of this program, the Republicans are attempting to roll back the clock. Let me say that again. Just as we are beginning to see the benefits, the Republicans are trying to roll back the clock. They are trying to gut this program in its mean spirit attempt to take valuable education tools out of the hands of our Nation's female students.

Since 1974, the Women Education Equity Act has funded the development of school material as well as training programs. It has served as a resource for teachers, administrators, and parents. The program also helps schools comply with Title IX, the Federal law that prohibits sex discrimination in public schools.

Although female students have made gains in education, they still lag behind boys in many important subjects such as math, science, and technology. This program is crucial for the continuation of the development of this program.

A young man, one student, an eighth grader, Garrett from Hilliard, Florida feels that boys should be able to have the opportunity to play volleyball, and girls should be able to have weight training if they want to. We found out that this weight training is very important for our bone development and other things.

Madam Chairman, with all of the problems that is going on in this country, all of the violence, we in Congress need to be doing all we can to make things better. We should not be gutting programs. We should be adding to various programs.

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We should be doing all we can to assist the community, the parents, the school, the faculty in bringing the community together, not trying to gut programs.

Ms. MCCARTHY of Missouri. Madam Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentlewoman from Missouri.

Ms. MCCARTHY of Missouri. Madam Chairman, I thank the gentlewoman for yielding to me, and I rise today in strong support of the bipartisan amendment offered by the gentlewoman from Hawaii, and others, to reauthorize the Women's Educational Equity Act and to reaffirm the commitment of this House to the principle of gender equity. The amendment enables States and schools to eliminate the historic gender bias in education materials through teacher training and will encourage the participation of girls and minorities in high-tech careers.

Madam Chairman, I was a high school English teacher 25 years ago, when Congress made a commitment to encourage women to pursue quality educational opportunities. Congress authorized and appropriated funds to teach teachers how to break the cycles of sexism and gender bias. I can remember discussing with my high school students the possibility of a woman in space, and that conversation was met with general scoffing by the boys in the class and doubt by the girls in the class. But I had the honor, along with a number of women in this Congress to watch the first woman be commander of a NASA spaceship. This year, Eileen Collins proved this effort has made a difference.

For 25 years, Congress has reaffirmed its commitment. We have stood by the teachers and the young women, and we have begun to see real results. Test scores are improving; women are staying in school longer; and career choices are slowly expanding. The glass ceiling has not been shattered but it is moving, Madam Chairman. Sixty-five percent of all jobs in the year 2010 will require some technology skills. Do not let that ceiling come crashing back down on the young women of today.

Madam Chairman, I urge my colleagues to support the Mink amendment for education equity.

Ms. LEE. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise today in support of the Mink-Woolsey-Sanchez-Morella amendment, and I want to especially thank the gentlewoman from Hawaii (Mrs. MINK) for her decades of hard work on behalf of all women in this country.

Now, we want our boys and girls to reach their optimum and not be restricted by false social limits. This amendment restores current gender equity provisions from Title I of the Elementary and Secondary Education Act to H.R. 2 to ensure that boys and girls succeed in the classroom. This amendment allows Title I schools to set up programs to encourage girls and underrepresented groups to pursue careers in higher education degrees in math, science, engineering, and technology.

Now, I raised two boys. I have two sons. This amendment has nothing to do with stifling boys, as some may imply, and are implying, but what it will do is help to make sure that girls are provided with equal opportunities. We do have a gender gap problem. While gaps in math and science achievement have narrowed, a new gender gap in technology has emerged.

A recent report conducted by the American Association of University Women found that when we compare the performance of girls and boys in the classroom, girls appear to be at a significant disadvantage when it comes to their exposure to technology. Girls tend to come to the classroom with less exposure to computers and other forms of technology. They, in turn, become less proficient in using technology than boys. These early limited interactions with technology perpetuate a cycle of disadvantage in educational technology for girls.

When young women and girls are underrepresented in computer and technology courses, this means that fewer women will be eligible for high-paying, high-tech jobs in the future. This issue needs to be addressed considering that by the year 2000, 65 percent of all jobs will require technological skills.

Also, Madam Chairman, this amendment targets dropout prevention programs for pregnant and parenting teens. For young girls, pregnancy and parenting is one of the major reasons why they drop out of high school. We know that the United States has the highest teen pregnancy rate of any industrialized nation. Each year, almost 1 million teenagers become pregnant. For young girls, pregnancy and parenting account for half of the dropout rate and for one-fourth of the dropout rate for all students. Two-thirds of girls who give birth before the age of 18 will not complete high school. Further, the younger the girl is when she becomes pregnant, the more likely she is that she will not complete high school.

Again, we know that the less education a person obtains, the lower their lifetime earnings will be. This is particularly important because the new welfare reform law, enacted by the 105th Congress, provides little opportunity for education and training, and places time limits on public assistance in education.

Single women make up 95 to 98 percent of the 2.8 million single adult welfare recipients heading families. Of this group, one-third of welfare recipients have minimal skills, those skills that

are similar to that of a high school dropout; and these women will face the most extreme employment situations. These women are employable, but only in the least skilled, lowest paying jobs. In fact, minimally skilled women employed year-round earn on the average $15,200 a year.

So as we enter the new millennium, we know the job opportunities for minimally skilled people will cease to grow. Only 10 percent of all new jobs will be generated at this new skill level. And by 2006, only 12 percent of all jobs will require minimal skill. So without the proper investments in education and training, many women will continue to rely on public assistance.

It is critical that parents and pregnant teenagers do not drop out of school but complete their high school education. So this reauthorization act must provide every proven alternative to strengthen and support programs to keep pregnant and parenting teens in school to receive a high school degree.

I urge my colleagues to support this amendment. We are really talking about nothing more than plain old equity.

Mrs. MALONEY of New York. Madam Chairman, I move to strike the requisite number of words, and I rise to really thank my colleagues, the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from California (Ms. SANCHEZ), and the gentlewoman from Maryland (Mrs. MORELLA) for their bipartisan amendment.

Earlier today the gentlewoman from Hawaii told me that of all of her many achievements in her long career, she was most proud of having authored and enacted WEEA. We must restore gender equity language that helps girls succeed in schools. WEAA is the only Federal program dedicated to gender equity that has provided teaching materials, projects, programs to schools to eliminate gender bias. If the WEAA center is not funded, all the classroom records, program materials, anthology of women's voices, and years and years of research will be lost.

More than 55 organizations wrote me in support of this program, and I would provide that list for the RECORD.

There are those on the other side of the aisle that say this program is not needed. Whether it is the medical profession or engineering, these fields continue to change and evolve. Just like these fields, gender equity needs to be continually updated with new research and techniques.

The appropriators just funded WEAA for $3 million for fiscal year 2000. Even with the tight budget caps, they recognized the importance of this program. But today, some want to throw away over 25 years of research, assistance, and expertise. WEAA helps our Nation's girls, but some people think girls no longer need assistance in overcoming barriers. Yes, women have made great strides, however, these strides have not happened by themselves. It has been programs like WEAA that provide the training and the materials and the support for girls in education. In the last 6 months alone, WEAA has received over 700 requests for information on gender bias.

Glass ceilings still exist in the classroom, in universities, and in the marketplace. Women still only make 72 cents to every dollar a man earns. When girls are exposed to math and sciences, they tend to choose nontraditional female careers, careers such as bankers and engineers, that have lifetime earnings of more than 150 percent above their peers who choose traditional careers, such as nursing and secretaries. This glass ceiling still exists, and we will not break out of it until we break out of this pink collar ghetto.

Last year, more than 65 percent of all jobs will require technology skills. But girls make up only 17 percent of the students taking advanced placement computer science tests. Even in basic computer usage, girls repeatedly rate their computer skills as far lower than boys.

Yes, our underserved populations, girls and boys, need to have equal opportunities for success, yet girls in underserved populations have two barriers before them. They not only lack access to math and technology, but they still have the disadvantage of being a girl in a society that often treats them differently from boys. More than 60 percent of new teachers, when shown videotapes of their classroom instruction, were unaware of the disparity between how they treated boy and girl students. WEAA provides teachers with training and materials to help them adapt their teaching techniques to provide more equity in the classroom.

This essential, unique service provided by WEAA helps our teachers, administrators, and other school staff work with the learning needs of both boys and girls. Studies have shown that girls and boys learn differently.

Newer teaching techniques can help boys excel in greater numbers in the social sciences and with communication skills—an area typically favoring girls.

WEEA's training material help teachers address these issues, issues special to boys, in their classrooms too.

As we head into the next century, we cannot turn our backs on women and girls.

As the educational needs of our society change and grow, at math and technology continue to become prominent skills of our everyday lives, gender equity in our education system is more essential than ever girls must catch up with boys when it comes to math and technology.

To the critics who say there is no longer a need to assist girls and young women in America's education system—I say this: A quote from a former WEEA director: "If we as a nation had decided to stop funding research on heart disease after we made the first mechanical heart, we would have wasted our initial investment. Like medicine, equity is an evolving process and needs to be continually examined, revised, and supported. There is still a lot of work to do, and it changes over time, but gender equity is a real issue that needs to be addressed anew ever year."

Even though only 12 percent of the House of Representatives are women I hope the rest of the House will vote bipartisan and vote for gender equity. I ask my colleagues to support the Mink/Woolsey/Sanchez/Morella Amendment.

Madam Chairman, the following is the list I referred to earlier:

American Association of University Women,
American Association of School Administrators,
American Educational Research Association,
American Civil Liberties Union,
American Civil Liberties Union—Women's Rights Project,
American Federation of State, County, and Municipal Employees,
American Federation of Teachers,
American Jewish Committee,
American Psychological Association,
Association of Teacher Educators,
Association for Women in Science,
Business and Professional Women/USA.
Center for Advancement of Public Policy,
Center for Women Policy Studies,
Children & Adults with Attention Deficit/Hyperactivity Disorder (CHADD),
Church Women United.
Coalition of Labor Union Women,
Council of Chief State School Officers,
Council for Exceptional Children.
ERA Summit,
Federation of Organizations for Professional Women.
Girl Scouts of the United States of America,
Girls Incorporated.
Hadassah,
Human Rights Campaign.
Jewish Council for Public Affairs.
Lawyers' Committee for Civil Rights Under Law,
Leadership Conference on Civil Rights.
Myra Sadker Advocates for Gender Equity.
NAACP Legal Defense and Educational Fund,
National Alliance for Partnerships in Equity,
National Asian Pacific American Legal Consortium,
National Association of Collegiate Women Athletic Administrators,
National Association of Commissions for Women (NACW),
National Association for Bilingual Education,
National Association for Female Executives,
National Association for Girls and Women in Sport,
National Association of School Psychologists,
National Association of State Directors of Special Education.
National Center on Women and Aging,
National Coalition for Sex Equity in Education,
National Council of Administrative Women in Education,
National Council of Jewish Women,
National Council of La Raza,

National Education Association,
National Parent Teacher Association,
National Partnership for Women and Families,
National School Boards Association,
National Science Teachers Association.
National Urban League,
National Women's Conference,
National Women's History Project,
National Women's Law Center,
NOW Legal Defense and Education Fund.
Older Women's League.
Religious Coalition for Reproductive Choice,
Service Employees International Union, AFL–CIO,
Sexuality Information and Education Council of the United States,
Soroptimist International of the Americas.
United Church of Christ Board for Homeland Ministries,
United States Student Association.
Wider Opportunities for Women,
Women Employed,
Women and Philanthropy,
Women of Reform Judaism,
Women Work!
Women's Business Development Center,
Women's Institute for a Secure Retirement,
Women's Sports Foundation,
YWCA of the U.S.A.

Mr. OWENS. Madam Chairman, I move to strike the requisite number of words, and would like to associate myself with the remarks of the rest of my colleagues.

Mr. CLAY. Madam Chairman, I move to strike the requisite number of words, and I rise in support of the Mink-Woolsey-Sanchez-Morella amendment.

Ms. NORTON. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, we owe a debt of thanks to the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from California (Ms. SANCHEZ), and the gentlewoman from Maryland (Mrs. MORELLA) for their work in helping us as we strive to save the Women's Educational Equity Act this evening.

Madam Chairman, it will be unbelievable to most Americans that there is a message going out from this body that women and girls have arrived. That will be news to the American people, especially to women and girls themselves.

I ask this body, please do not make girls a victim of their own success, for things are not as bad as they were when we last rose to speak about this bill, but who can but admit that they are not as good as they should be; and we should not extinguish prematurely one of the programs that is finally yielding results for girls and women.

It is a truism that special targeted programs are not permanent. The challenge is to allow them to get a sufficient foothold, or the advances we have achieved because of these programs may well all be lost. The work that remains for girls is across the board, is across the classes, is across the races, and is across geographical boundaries.

Look at the high pregnancy rates, for example, in Title I schools. We know that this is directly related to what happens at home; but, my colleagues, these high pregnancy rates are directly related to what happens at school before pregnancy occurs, and what happens at school after pregnancy occurs when these girls drop out of school wholesalely.

Every American, to take girls at the other end of the scale, should be greatly concerned about the gap of girls between girls and boys on standardized tests, again across racial lines and across class lines, precisely in those areas where proficiency is going to be required in the next century. We have to solve these mysteries before getting rid of programs like WEAA.

Why do males increase their advantage over girls in grades 8 to 12 in math concepts and geopolitical subjects and in natural sciences? If we continue to let that happen, the whole country is at risk.

□ 1845

Why is it that at the fourth grade girls and boys are about the same but the more they stay in school the more girls fall behind in standardized tests but not in the grades they yield in school?

We have got to solve those mysteries or we will leave our country in the lurch, because increasingly we depend upon the skills of these girls. Just ask the Armed Forces where they are drawing their most proficient members from. Girls make better grades in all the subjects but do not do as well on scientific tests. We have got to find out why if we want to get the most productivity out of our young people.

Why are girls almost 40 percent behind boys in SAT scores? Are my colleagues satisfied with that? If they are, get rid of WEEA tonight. Vote against this bill. Are my colleagues satisfied with the digital gap? If they think this is a minority gap, I ask them to look more closely. The digital gap is a female gap more than it is a minority gap.

Being a girl continues to put a person at a permanent disadvantage unless we do something to rescue her whether that girl is a so-called at-risk girl or whether that girl is a privileged girl. And yet, this is very different for boys. Because when a boy is a privileged boy or an at-risk boy makes a profound difference. We have got to understand why simply being a girl puts a person at a disadvantage.

There will come a time, my colleagues, if we keep programs like WEEA going long enough to get the job done, when this Member will come to the floor and say, well done. My colleagues may ask me this evening how long? I will say not long, but I will also say very much not yet.

Keep this program. America wants it. America needs it.

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

Madam Chairman, I rise in strong support of the gender equity act and the amendment offered by my colleagues, the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from California (Ms. SANCHEZ), and the gentlewoman from Maryland (Mrs. MORELLA), to restore the current gender equity provisions in education, specifically, the 25-year-old program to help combat gender bias in the classroom.

I listened to my colleague from the other side who talked proudly of his daughter who did 1550 on the SATs and did not need any help from the gender equity program. That is great, and I think he should be very proud.

But I do not think that every child has the privilege of having a father who happens to have been a hero, a pilot, a person who had the privilege of being in a very prestigious position. I do not think that everyone has the advantage of having a father who is a Member of the United States Congress. As we know, there are only 435 of us.

It is totally illogical for people to go from the particular to the universal. The first thing I learned in basic logic is that we cannot say, because I did it or my daughter did it, everybody should do it. That is like saying, therefore, we should have 260 million presidents of the United States because a person makes it. This is totally illogical.

So as we take this debate forward, let me just say that women are still being discriminated against. Women still are paid only 75 cents on the dollar, but that is a 25-percent increase from the way it was 20 years ago when they only made 54 cents on the dollar. Women still, at age 65, will get less than 60 percent of what men will get from Social Security when they retire.

We have heard from the National Advisory Council on Economic Opportunity at the present rate, 5 years from now the poor will be made up almost entirely of women and children. And we call this phenomena feminization of poverty.

We look at the Congress, 10 percent are women. Even State legislatures are only 25 percent. So people say we do not need this gender equity. We need to keep it at the local level with schools. We must continue to fight for job equity, for pay equity, for credit equity, for insurance equity, for pension equity, for fringe benefit equity, for Social Security equity through legislation, through negotiations, through education and litigation even.

We must continue to have women break through the glass ceiling of the executive suites and break loose from

the sticky floors, the dead end, low-wage jobs that keep women in poverty.

So when we hear people talk about there is no more need for this, I think we are going to set the clock back. I think we are moving ourselves in the wrong direction. As we move to the new millennium when we talk about the great opportunities in the future, we are taking away from women who have fought and struggled inch by inch to move themselves a little bit higher to then say we are going to push them back on the rough side of the mountain, they cannot continue to move forward in the manner in which they have been doing.

So I commend the women who have put this resolution in, the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from California (Ms. WOOLSEY), the gentlewoman from California (Ms. SANCHEZ), and the gentlewoman from Maryland (Mrs. MORELLA) to say let us continue the gender equity provision, let us not turn back the clock. We have been here for 25 years and it has been successful. Why take success and turn it around into failure? It makes no sense.

Madam Chairman, I yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I rise in strong support of the Mink-Woolsey amendment, which would reauthorize the Women's Educational Act.

Madam Chairman, I rise today in support of the Mink-Woolsey amendment, which would reauthorize the Women's Educational Equity Act and restore other critical gender equity provisions to the Elementary and Secondary Education Act.

And I must say that I feel like I've gone back in time—during consideration of the FY 97 Labor-HHS-Education Appropriations bill on the House floor in 1996, nearly 300 of my colleagues voted for an amendment I authored to fund the Women's Educational Equity Act. My colleagues overwhelming agreed then that this was an important and worthwhile program. They should do the same now and vote for this amendment.

No one can dispute that every child in America deserves the opportunity to learn and grow, and since the passage of Title IX twenty-five years ago, women face far fewer barriers in the classroom. But disparities remain in the educational opportunities available to young women. We continue to see female high school students fall behind their male counterparts in standardized math test scores. We also hear from the students themselves that a startling amount of gender bias—some inadvertent—still pervades American classrooms, preventing young women from achieving at their highest potential and discouraging them from pursuing certain subjects.

Treating girls and boys unequally in the classroom is a problem with disturbing implications for the young women who are losing out on opportunities and for our country's economic future.

By the year 2010, 65% of all jobs will require technology skills. So, it's very important that we act to implement policies that respond to a wealth of research, which demonstrates that the earlier girls are introduced to careers in mathematics and sciences, the more likely they are to pursue careers in technology and related fields. Yet more than half of female students take no high school math beyond Algebra 2. Only 20% of female students take the three core science courses—biology, chemistry and physics—in high school. Fewer than 20% report using a computer once a week. With the number of women in the work force increasing at twice the rate of men, how will our workforce be prepared for a global, fast-paced economy without the full participation of women?

It is obvious that America's schools need assistance to ensure that both men and women are equipped to compete for good jobs with good wages. That's why it's baffling, and in my judgment unconscionable, that the Women's Educational Equity Act and other gender equity provisions were stripped from this bill in committee. WEEA, which was developed over twenty-five years ago to help schools meet their commitment to Title IX, provides grants to ensure that women's future choices and accomplishments are not dictated by their gender but freely determined based on their skills, interests, and dreams. These grants have been used to develop dropout prevention programs, to help schools understand and combat sexual harassment, and to bolster female performance in math and science.

I think we can all agree the initiatives included in this amendment can meaningfully enhance the education of America's young women.

The Women's Educational Equity Act remains as important today as it was in 1974 for ensuring that girls succeed at school. I strongly urge my colleagues to vote in favor of the Mink-Woolsey amendment.

Mr. PAYNE. Madam Chairman, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Chairman, I rise in strong support of this amendment.

Mr. PAYNE. Madam Chairman, I yield to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Chairman, I rise in strong support of the Mink-Woolsey-Sanchez-Morella amendment.

Since 1974, the Women's Educational Equity Act (''We-Uh'') has provided resources to teachers, administrators, and parents to ensure equity in their schools and in their communities.

The Act was created in response to widespread recognition that girls had specified educational needs and learning styles that were not being met.

While was have made some progress in leveling the educational playing field for girls, we still have a long way to go.

A study released last year by the American Association of University Women entitled ''Gender Gaps: Where Schools Still Fail Our Children'' shows that girls, when compared to boys, are at a significant disadvantage as technology is increasingly incorporated into the classroom.

Girls tend to come to the classroom with less exposure to computers and other technology, and girls believe that they are less adept at using technology than boys.

Even though 65 percent of jobs in the year 2000 will require technology skills, only 17 percent of students who take computer science Advanced Placement tests are girls. And, compared with boys, girls receive lower scores on the AP test.

Last year, on the high-stakes college admissions test—the SAT—female students scored 496 on the math section, compared to an average of 531 for male students.

Similarly, on other standardized tests in the subject areas of math and science—such as the National Assessment of Educational Progress—girls continue to score lower than boys.

Let's make sure that we provide resources to teachers, administrators, and parents to meet the need of girls and women.

Let's make sure that we target dropout prevention programs for at-risk youth to pregnant and parenting teenagers.

Let's make sure that we we provide training to teachers to encourage girls to pursue careers and higher education degrees in technology, mathematics, science, and engineering.

Vote for the Mink/Woolsey/Sanchez/Morella amendment so that all students will be prepared to compete in the everchanging global economy of the 21st century.

Mr. PAYNE. Madam Chairman, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, I rise in support of this amendment to provide gender equity.

Mr. GOODLING. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, I was thinking as I was sitting there, where is former Congresswoman Millison Fenwick when we need her? She used to get up here in the well and say, ''I don't even have a high school education, but I didn't need the Government to get me here in the Congress of the United States.''

But that is not the issue. This is all a bad idea. The debate is a whole bad idea, because what it is doing is taking away from exactly what we are trying do in this bill.

What we are trying to do in this bill is get poor youngsters and youngsters who are two grade levels below in achievement, we are trying to bring them up so they can be competitive. That is what this bill is all about. This bill is not about white children, black children, Hispanic children, boy children, girl children. This is about children who are disadvantaged academically. And we are trying our best to make sure that, as a matter of fact, they can compete with their peers academically. That is what it is all about.

Now, when we think about this, first of all, the children we are talking

about, these are children, as I indicated, the money comes based on poverty and then it includes those who are two grade levels below in achievement.

Now, who is their first role model from the day they are born? Mother, grandmother. Who is their role model when they go into a preschool program? A woman. Who is their role model when they go into Headstart? Nine times out of ten it is a woman molding them all the time. And who is their role model when they get into elementary school? Ninety-nine times out of a hundred, it is a woman. And who is their elementary counselor? It is a woman.

Then they get into middle school, and then maybe it starts to level out a little. Now maybe only 75 percent of their teachers and their role models are women. And their guidance counselors, maybe only 75 percent now are women. The whole way down the line women, women, women are molding these young children whether they are male children or whether they are female children.

So when someone says women have to be there right out of the box, that is exactly where they are, right out of the box.

But again I go back to the point. We are trying in this legislation not to talk about women children, men children, black, Hispanic, white. We are trying to talk about children who are performing below grade level, who do not stand a chance in life to do well unless we can dramatically improve what they are getting.

That is why we said we failed in this program, as well-meaning and as well-intentioned as it was, we failed; and now we are trying to right that so every child has an opportunity to be successful academically.

The General Accounting Office found that only 17 percent of WEEA grants awards were received by State and local educational agencies, only 17 percent, and no evidence that other recipients of the funds are working with State or local educational agencies to address equity problems.

The GAO noted that WEEA activities appear to be out of balance. Specifically, too many resources go for direct services to small numbers of persons and too few resources go to eliminate systemic inequities. And they found that WEEA discriminates against some children in favor of others.

Now, going back again to the fact that this legislation is trying to make sure that all children have an equal opportunity for a quality education. We find also that by the time they reach middle school boys, boys I am talking about now, are now an average of two grade levels below girls.

Minority boys have fallen farthest behind their peers academically and emotionally and are least likely to receive the attention and resources they need.

So I hope we can once again focus what this legislation is all about. This legislation, again I repeat, is about trying to make sure, since we failed for 20-some years and $120 billion, we are now trying to make sure that every child who is eligible for Title I services has an opportunity to receive quality services, not baby-sitting, not anything else other than quality services, so that their academic achievement is dramatically increased.

We failed these youngsters dramatically. We cannot afford to do it any longer. We need them not only for their own self-esteem, but if we are going to compete in the 21st century, we positively cannot lose 50 percent of our children simply because they keep falling behind academically. If they fall behind in the first grade, we can be pretty sure they are a drop-out, maybe not physically, but they have dropped out.

So let us refocus. Let us talk about what this bill is all about, which is to improve the academic achievement of all children who are in need.

Ms. KILPATRICK. Madam Chairman, I rise in support of the amendment offered by Representatives MINK, WOOLSEY, SANCHEZ, and MORELLA to restore the provisions of the Women's Educational Equity Act under the Elementary and Secondary Education Act.

I'm disappointed that the majority has turned away from the educational needs of girls and young women. Granted, women have made tremendous progress in formerly non-traditional fields where they are underrepresented such as sports and sciences, but let's not end this program with an unfinished agenda. We can point to the accomplishments of astronaut Sally Ride and soccer heroine Christie Chastain. But our schools must do more to mold girls and young women into captains of industry and technology.

When we've only just begun, the majority wants to cut short the record of our successes. I disagree, and that's why I support the continuance of the Women's Educational Equity Act.

This act is the only Federal program designed specifically to increase opportunities and resources for girls and young women—the only program, Madam Chairman. Now the majority wants to eliminate it.

Federal programs must show positive results to justify their reauthorization, and I am delighted to remind my colleagues of the work that's been implemented under the act. WEEA, as the act is known, supports research and development activities to help schools implement long-term practices and policies to support gender equity. Grants awarded under the program encourage women and girls to participate in academic fields and careers in which they have been traditionally underrepresented. WEEA grants go to support model teacher training programs, gender-equitable curricula, and other gender-sensitive educational materials. The program also provides funds to help educational institutions meet their Title IX obligations, which prohibits educational institutions from offering programs that discriminate on the basis of gender.

Funds authorized under WEEA go to operating a resource center that provides information to educators on gender-related issues such as gender equity awareness, sexual harassment, support for adolescent girls and instructional improvements in math, science, and technology.

Currently, WEEA must use two-thirds of its total appropriation of three million dollars to support gender equity implementation programs. The resources are insufficient to meet increasing demands for gender-equity technical assistance and the development of new model equity programs. With the demands for resource assistance authorized under WEEA increasing, it is native to suggest that the best days of this Act are "behind us."

Women have made advances under WEEA. But we still have miles to go before we can say with certainty that women have attained the level of full and equal access to all educational and career opportunities.

It is for the reasons that I urge my colleagues to continue the Women's Educational Equity Act and support this important amendment.

Ms. ROYBAL-ALLARD. Madam Chairman, I rise in support of the Mink/Woolsey/Sanchez/Morella amendment. This amendment restores the crucial gender equity provisions removed from the bill during committee consideration, most notably, the Women's Education Equity Act. Since 1974, the Women's Education Equity Act helped school districts and teachers meet the goals of title IX which require fair and equitable opportunities for girls in our schools.

This amendment helps to achieve these goals by providing—grants for the development of materials and model programs that ensure gender equity in education; information on methods and techniques teachers can use to promote gender equity; and it provides dropout prevention programs targeted to pregnant and parenting teen girls.

These are just some of the provisions in the Women's Education Equity Act that have contributed greatly to the progress we have made in ensuring that girls in this country have the same educational opportunities as our boys. The sad reality is, however, that although we have made progress, a gender gap still exists in America's schools, particularly in the areas of science and technology.

For example—only 17 percent of students taking the computer science advanced placement exam are girls and women continue to be sorely underrepresented in both undergraduate and graduate programs in engineering, math, the physical sciences, and computer science.

Hispanic and African-American girls fare even worse with respect to technology education. In fact, only 127 Hispanic girls nationwide took the computer science advanced placement exam in 1998.

These facts are strong evidence that we still have not reached many of our young girls who would excel in these and other areas. This is particularly alarming because, as we move into the new millennium, all our children must be prepared to compete in the even-growing, highly technological world economy. Equally important is addressing the crisis that can prevent many of our young girls from reaching

their full potential: the near epidemic rate of teenage pregnancy in our country. The reality is that, teen mothers are more likely to drop-out of school and never go on to college than girls who delay pregnancy and motherhood. With the Women's Educational Equity Act we can continue to help address many of the barriers facing our girls today because this act will give our schools the help they need to give girls the confidence and direction necessary to pursue and excel in math, science, and technology. And it will help schools provide guidance and encouragement to pregnant and parenting teens through targeted dropout prevention programs.

If our country is to remain the leader in the next century, we must ensure that all our children, regardless of their race, sex, or socioeconomic background, have access to the highest-quality education. I urge all my colleagues to vote for this critical amendment.

Mrs. CHRISTENSEN. Madam Chairman, title I is an important provision which has provided the resources to our schools. Its original intent was to target the most resources to those schools with the greatest need, and to provide equity to all segments of our Nation. It must remain that way.

Madam Chairman, I also rise today in support of the Mink/Woolsey/Sanchez/Morella amendment to H.R. 2, the Students Results Act. The amendment would restore current gender equity provisions to H.R. 2 in order to ensure that our young women succeed not only in school, but also in life.

The intent of this amendment is not to target a specific group, but rather, it is intended to continue into the millennium what the Women's Educational Equity Act has done for the past 25 years: provide teaching materials, projects and programs to schools to eliminate gender bias. Studies show that girls face an alarming new gender gap in technology as we approach the new millennium. Girls tend to come to the classroom with less exposure to computers. Experts predict that 65 percent of all jobs in the year 2000 will require technology skills, and only 17 percent of advanced placement test takers in computer science are girls.

Madam Chairman, I stand here before you today because I am a product of the Women's Educational Equity Act and so are all of my female colleagues. This act provides resources to empower our daughters, granddaughters, sisters and all young women to realize their dreams and become Congresswomen, physicians, lawyers, mechanics, and in sum, overcome gender barriers.

Madam Chairman, instead of eliminating the Women's Educational Equity Act, Congress should consider ways to improve and expand the program.

Madam Chairman, education is the foundation of our society. Our success is measured and determined by how well we educate all—not some—but all of our people, including women, people of color, the poor, and those for whom English is not their first language. We would be doing a grave disservice to this Nation to pass a weak reauthorization with such glaring deficiencies. I ask that the provisions for bilingual education be included, that the Women's Educational Equity Act be reauthorized, and that the Payne amendment be passed. The next century awaits us. We must move forward not backward, and we must do so together. Make H.R. 2, the Student Results Act whole. I ask for your support for these amendments.

Overall, the reauthorization of title I, is a good bipartisan effort, that addresses many of the important problems in the Nation's educational system, but I must call your attention to a very grave deficiency, which I feel strikes at the very heart of the title. Madam Chairman, I am speaking of the lowering of the poverty threshold that determines eligibility for schoolwide programs, and the failure to reauthorize the Women's Educational Equity Act. I also want to associate myself with the remarks of my colleague from Texas, Mr. RODRIGUEZ, with regard to this bill as well. In the case of the lowering of the poverty threshold, Madam Chairman, this measure is nothing more than a veiled attempt to undermine the public school system in some of our poorer neighborhoods, by draining funds that they would not otherwise have, and allowing them to go to schools in systems that are better off. Surely all of our children need our support for education, but some need more funding than others, and it is our responsibility to see that they get it.

Madam Chairman, we need to be working harder at fostering equity in our Nation's school system, not creating a greater divide. Lowering the threshold will increase the gap between schools' ability to educate the students who do well and those who do not.

Personally, I think the threshold should be higher, but certainly to reduce it below 50 percent is unacceptable. My colleagues, I ask your support for the Payne amendment. Our goal must be to leave no child behind.

Mr. WU. Madam Chairman, I move to strike the last word. I rise today in support of the Mink/Woolsey/Sanchez/Morella amendment to restore important gender equity provisions in the Elementary and Secondary Education Act.

When Congress last reauthorized the act, measures were put into place to ensure that girls were getting equal education. These programs have only to show the positive results. Now, faced with the opportunity to continue the valuable work of gender equity programs, Congress is proposing that we turn our backs on them. I am pleased that this amendment allows teacher training to encourage girls to pursue careers and higher education degrees in technology, math, science, and engineering. According to Department of Labor statistics, nearly 75 percent of tomorrow's jobs will require use of computers; fewer than 33 percent of participants in computer courses and related activities are girls. Gender equity programs can increase the 33 percent by getting girls interested in math and science.

In Oregon, we've seen first-hand the positive work that gender equity programs provide. AWSEM (Advocates for Women in Science, Engineering and Mathematics) is a program that was started in Portland, OR to stimulate girls' interest in science and math during middle and high school years. Girls meet in after-school AWSEM clubs with their peers with similar interests. They meet regularly with college-age women studying science or math related-disciplines, and get to work with experienced women professionals from aeronautic engineers to zoologists. The program is successful. AWSEM groups are rapidly spreading throughout the country, and we should encourage their growth.

We need to do more to ensure that other girls will be able to benefit and achieve under similar gender equity programs. I strongly urge members to support this amendment.

Ms. MCKINNEY. Madam Chairman, why are we having this debate today?

Because in one sleight-of-hand, backroom maneuver, the Republican leadership has succeeded in turning back the clock 30 years on educational progress for girls and young women. We need the Mink amendment to protect our young girls and women who are helped by educational equity.

By dropping the Women's Educational Equity Act from the bill, the Republican leadership demonstrated that even without their guru, Newt Gingrich, they are still as meanspirited as ever.

We have a need for these programs that help level the playing field between boys and girls. For instance, girls are not learning the technology skills they need to compete in the new information revolution; a very small percentage of girls take computer science courses even though 65 percent of the jobs in the next millennium will require technology skills. Studies show that poor self-esteem as a result of unequal treatment is a factor in this persistent educational gender gap. Sometimes, without realizing it, teachers and administrators carry society's biases against girls into our schools and classrooms. This becomes yet another factor which discourages girls from achieving. Gender equity training, resources and materials are needed to counter stereotypes and to assure that girls and young women are given equal educational opportunities.

We all were so proud as we watched the USA Team in the Women's World Cup games. Even the Republican leadership scrambled to congratulate those young women. However, we want our women to score goals on and off the field. By supporting the Mink/Woolsey/Sanchez/Morella amendment, we can assure that this little piece of Republican misogyny is put into the trash heap where it belongs.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 311, noes 111, not voting 11, as follows:

[Roll No. 519]

AYES—311

Abercrombie	Barcia	Berman
Ackerman	Barrett (WI)	Berry
Aderholt	Bartlett	Biggert
Allen	Bass	Bilbray
Andrews	Becerra	Bilirakis
Baird	Bentsen	Bishop
Baldacci	Bereuter	Blagojevich
Baldwin	Berkley	Blumenauer

Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hayworth
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—111

Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barton
Bateman
Bliley
Boehner
Bonilla
Brady (TX)
Burr
Burton
Buyer
Callahan
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Doolittle
Dunn
Everett
Fossella
Ganske
Gekas
Goode
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hoekstra
Hostettler
Hunter
Hyde
Isakson
Istook
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCrery
McKeon
Metcalf
Miller (FL)
Nethercutt
Norwood
Nussle
Oxley
Packard
Paul
Peterson (PA)
Petri
Pitts
Pombo
Portman
Radanovich
Riley
Rogan
Rogers
Rohrabacher
Roukema
Ryun (KS)
Salmon
Sanford
Schaffer
Shadegg
Skeen
Smith (TX)
Souder
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Thornberry
Thune
Tiahrt
Toomey
Vitter
Wicker

NOT VOTING—11

Blunt
Calvert
Camp
Gutierrez
Jefferson
Lewis (GA)
Lipinski
McCarthy (NY)
McIntosh
Scarborough
Shuster

□ 1921

Mr. KASICH and Mr. LEWIS of California changed their vote from ''aye'' to ''no.''

Mr. HULSHOF, Mr. YOUNG of Florida, Mrs. FOWLER, and Messrs. GIBBONS, MCCOLLUM, TERRY, WELDON of Florida, ADERHOLT, Mrs. NORTHUP, and Mr. HALL of Texas changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GOODLING. Madam Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mrs. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes, had come to no resolution thereon.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–147)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

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 (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 20, 1999*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRUE AMERICAN HEROS OF THE 109TH AIRLIFT WING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MCNULTY) is recognized for 5 minutes.

Mr. MCNULTY. Mr. Speaker, today Dr. Jerri Nielsen is in her home State of Ohio to receive treatment for breast cancer. In itself, this fact is not miraculous. But to think that just days ago she was stranded performing improvisational chemotherapy on herself at the South Pole, one could consider her rescue to be ''heaven sent.''

Doctor Nielsen's prayers were answered by the Air National Guard's 109th Airlift Wing which is based in Glenville, New York, and I am proud to say, Mr. Speaker, in my district. The only guard unit trained to fly such a dangerous mission, the 109th skillfully landed the mammoth C–130 Hercules cargo plane, a plane equipped with skis for landing gear, on a runway of ice, temperatures of 53 degrees below zero, after completing an 11,410 mile trip. The pilot, Major George McAllister, Jr., became the first person ever to land at the South Pole at this time of year.

Mr. Speaker, Major McAllister and the crew of the 109th literally traveled to the end of the Earth, risking their own lives to save another. I am sure that my colleagues, as well as Dr. Nielsen and her family, join me in recognizing and thanking these true American heroes.

SAVE OUR WILD SALMON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr.

NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, today the Sierra Club, a group called American Rivers, a group called Taxpayers for Common Sense, and the clothing company, Patagonia, paid thousands of dollars for a full-page ad in the New York Times promoting dam removal on the Snake River in my district, the eastern side of the State of Washington, the fifth congressional district. We in the State of Washington and in the Pacific Northwest have tried our best to face up to the issue of restoring fish runs on our river systems so that we could have a healthy fishery, but also have a healthy economy. The ad that appeared today is run by these same groups that earlier this summer asked the President to look at all options for salmon recovery and fish recovery in the Pacific Northwest.

Mr. Speaker, it is not even Halloween yet, and these groups have now taken off their masks of rational and reasonable parties to this debate by exposing their true intentions, which is dam removal on the lower Snake River.

□ 1930

Mr. Speaker, we face a serious issue of fish recovery, and no one, including this Member of Congress, wants to see wild salmon go extinct.

So for those of us who represent the Pacific Northwest who are concerned about recovery of these runs, we are going to work very hard at looking at all options and all impacts on the decline of wild salmon. But I also believe, Mr. Speaker, that the regional interests have recognized that there is no magic solution to restoring these wild runs.

This is a big puzzle with lots of pieces, and we have to see how each one fits in, to be sure that the economy of our State and our region is not destroyed at the expense, or at the interest of trying to restore wild salmon. These groups, with all respect to these groups, are doing their very, very best to jam one piece into the puzzle to try to solve it and make it all fit together. It does not. The dam removal issue is wrong for salmon; it is wrong for the Pacific Northwest; it is wrong for eastern Washington, and I am one who intends to oppose it at every opportunity.

These groups will tell us that we have to keep all of our options open, but their one option for recovery of salmon is to tear out these hydroelectric dams that are the cleanest source of power generation in our region. The river system provides barging of young juvenile fish down the river system to go out into the Pacific Ocean and grow and then come back and spawn. There is an agriculture economy that would be destroyed by the destruction of the Lower Snake River dams. There is recreation that would be destroyed. There is energy production that would be destroyed. There is flood control that would be destroyed. In other words, a lot of bad consequences to an idea that is simplistic in its nature, but ineffective in its imposition.

First of all, Congress has an obligation to decide whether this happens or not and allocate and provide the funding to do such an extreme action that these groups want to impose. So this is a fund-raising effort, I suspect, for these groups to try to raise money from people who could not care less about what happens in the Pacific Northwest, which really is a solution without a scientific basis.

We have to look at all the science in this situation, to look to see what works and what does not and what interests are injured and what interests are benefited by extreme actions that are seeking to be taken by these particular extremist groups.

Mr. Speaker, those of us who live in this region appreciate the need to have a healthy fishery. We also appreciate the need to have a healthy economy. We have to look at sensible science, not junk science that I think is being proposed by these groups of extremists, but by healthy science, by sensible science that takes into consideration all of the benefits and all of the detriments of a particular action. We have Indian treaties which allow the Indian tribes to take fish from our river systems. We have a Caspian tern problem that exists near the mouth of the Columbia where millions of smolts are eaten every year.

So I must say, Mr. Speaker, in closing that we have to be careful about the extremist actions that are being taken by these extremist groups and look for a sensible solution to this problem.

PUERTO RICAN TERRORISTS AN ONGOING THREAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, for those Americans who have been following the debate the last several months over the release of the terrorists known as the FALN, a group that was probably the most efficient terrorist group to engage in a reign of terror across this country during the 1970s and 1980s and who were, rightfully, sentenced to long prison sentences and just recently were granted clemency by the White House, the other shoe dropped today.

The FALN participated in about 130 bombings, proudly proclaiming themselves to be freedom-fighters when, in reality, all they were were killers. Police officers who lost their sight or their legs, children who lost their fathers who died as a result of FALN bombings. For months, we have been trying to understand exactly why the White House would grant clemency to these known terrorists, especially after they have failed to even acknowledge that they have done anything wrong, have demonstrated no remorse and offered no apologies.

The FBI testified recently that these groups still pose a threat to the national security. The Bureau of Prisons testified under oath that these people still are a threat and they should not have been released.

Now, in a report today, we learn that the Attorney General, Janet Reno, says that a nationalist group that had been aligned still poses an ongoing threat to national security. Quote: ''Factors which increase the present threat from these groups include the impending release from prisons of members of these groups jailed for prior violence.''

It is also reported today that the Justice Department formally urged President Clinton in December 1996 to deny clemency to imprisoned Puerto Rican nationalists, a recommendation that the White House never acknowledged in the furor over the President's decision last month to commute the sentences of the member militant group.

So there we have it. We have the Bureau of Prisons, the FBI, the Justice Department, including the Office of the Attorney General, all recommending against clemency, and it was offered. Perhaps in the understatement of the century we have Deputy Attorney General Eric Holder who, in a hearing today said, quote: ''I think we could have done a better job getting in touch with the victims.'' Because in all of these years, the last several years, while the White House and the Attorney General's Office was meeting with advocates for terrorists and their spokespeople, the victims who suffered for so many years never even got a phone call, and they say they could have done a better job communicating with the victims.

There are two more terrorists still in prison, and why do we bring this up today? God forbid they are offered clemency by this President or any other, for that matter. I think the American people have to know still to this day why we have decided to let terrorists free, especially to those who fail to offer any remorse.

One of them, Mr. Adolfo Matos who was released was taped in April of 1999, just several months ago, and he said, ''I do not have to ask for forgiveness from anybody. I have nothing to be ashamed of or feel that I need to ask for forgiveness. My desire has gotten stronger.'' This is a man who participated in a terrorist organization many years ago and his ''desire has gotten stronger to the point where I want to continue, continue to fight and get involved with my people because I love them.''

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

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

Mr. KING. Mr. Speaker, I just want to take this opportunity to commend the gentleman from New York for the outstanding job he has done in bringing this issue to the American people and continuing the fight and not backing down at all. The gentleman deserves the credit of all of us, and I just commend the gentleman for the great job he has done.

Mr. FOSSELLA. Mr. Speaker, reclaiming my time, I just want to thank my good friend, the gentleman from New York (Mr. KING), because he has been right by my side in fighting for what I believe is justice here, especially for the victims.

The important point, Mr. Speaker, is that these people who still to this day offer no remorse, no apologies to the victims, not even a call; I doubt very much if the White House or the Attorney General's Office has even called Diana Berger who lost her husband, or Joseph and Thomas Connor who lost their father or the Richard Pastorell who lost his sight or Anthony Semft who lost his vision or Rocko Pasceralla, a police officer who lost his leg. I doubt very much if they have even gotten a phone call and, meanwhile, we have terrorists out on the street who feel committed to engage in a reign of terror against this Nation. It is ridiculous, and I think the American people deserve to know some answers.

THE INTERNET—AVOIDING MONOPOLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BACHUS) is recognized for 5 minutes.

Mr. BACHUS. Mr. Speaker, at the very time that we need to increase competition in the delivery of Internet services, I am afraid that the unregulated nature of the Internet is in danger of being compromised.

We talk about a new digital revolution. We talk about all the fruits that the Internet is bringing to us. But I am afraid that we are on a collision course between reregulation and this unregulated revolution that is doing so much good for so many people.

The Internet is growing at a staggering pace, one that we could not have imagined when we passed the Telecommunications Act of 1996. This astonishing growth creates an urgent need for high-speed Internet capacity at both the regional and the local level so that all Americans can participate in this new digital economy. With each announcement of yet another telecommunications merger, or as we say telecom merger, I become increasingly concerned about the concentration in the Internet backbone market, a monopoly, a cartel. Today, the four largest backbone network providers control more than 85 percent of the Internet data traffic in this country, 85 percent.

Mr. Speaker, probably as a result of this, we are already hearing calls for regulating the Internet. If we do not act now, an Internet cartel may emerge that can dictate price and availability to consumers. Mr. Speaker, this is a much more attractive and desirable alternative to reregulation. The rules should be changed to allow all telecommunications companies to compete in the market. It makes no sense to keep the five of the most capable competitors, the regional bell operating companies, from building regional backbone networks to deliver the fruits of the digital economy to many more Americans.

Mr. Speaker, I urge all of my colleagues, all of my fellow Members to support competition in the Internet backbone market, and I encourage this body to act with the utmost speed. If we fail to act promptly, if we fail to assure competition, the alternative may sadly be the Internet regulation act of 2000.

THE ECONOMY, THE BUDGET, AND SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to kind of review the events of the last year in terms of the budget situation that we are in with the House. As my colleagues know, the House convened in January and at that time, the President of the United States stood in that well and proposed that we spend 40 percent of the Social Security surplus. He said, I think we should only reserve 60 percent and dedicate the rest to a number of programs that he had outlined in his presentation.

Well, we on the Republican side and many of the Democrats said, you know what, Mr. President, we want to preserve 100 percent of Social Security. Because after all, if one is an employee in a factory and one works and one puts money aside in a retirement plan, when one retires, by law, that plan has to be there; that money has to be there for you. Only in the United States of America can we mix a retirement plan with operating expenses, and we call that Social Security, and it is wrong.

This time, things have been different. For the first time in modern history, the U.S. Congress has not spent one dime of Social Security on anything else but Social Security. It is very significant.

So now we are in this budget negotiation. The genesis of the budget agreement was 1997 and there was a bipartisan budget agreement. Democrat Members, Republican Members, the White House, the Senate, the House, everybody signed off on a bipartisan agreement to get spending under control. I think as a result of that, partly, but mostly because of the strong economy, the budget has now become balanced. That is to say, we do not have a deficit, yet we still have a debt. We have a debt of $5.4 trillion.

□ 1945

That money, Mr. Speaker, has to be paid by our children if we do not do anything about it. So I do not think it is just good enough for us to pat ourselves on the back that we have eliminated the deficit. We have to go back and pay off the debt.

So right now we have this budget agreement in place, and that has been the guide for 13 different appropriation bills. Most of these have passed the House and the Senate, and they are at the White House. A few of them are going to be done in the next, probably 5 legislative days. Yet the President has already vetoed the foreign aid bill. He wants us to spend more money on foreign aid. So we say to the President and AL GORE, because the vice president is very much involved in this process, we say, Mr. GORE, Mr. Clinton, where do you want the money to come from for more foreign aid?

We do not think the House has the will to raise taxes and, indeed, yesterday by a vote of 419 to 0, Democrats joined Republicans in rejecting the Clinton-Gore tax package, 419 to 0. To increase taxes, that is not an option.

Spending Social Security, I think now the President has backed off spending the 40 percent of the Social Security surplus; and he has joined Republicans saying, okay, let us do what businesses do. Let us preserve 100 percent of it.

So if we are not going to get money out of Social Security, and we agree on that and we are not going to get money out of raising taxes, then where are you going to get the money, Mr. GORE and Mr. Clinton, to spend more money on foreign aid?

Now, I do not think we should spend more money on foreign aid. I think the foreign aid bill this year is one of the lowest bills we have had in many years. The taxpayers of America are fed up with foreign aid. I supported the package because it was a good reduction in foreign aid, but now Mr. GORE and Mr. Clinton want to raise it. We are saying, it cannot be gotten out of Social Security. It cannot be gotten out of taxes. The only thing that can be done is hold the line on spending, and we hope that they will join us in that effort.

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. Mr. Speaker, when the gentleman was talking about foreign aid, it reminded me,

he is very familiar with the fact that in my district, along with the district of the gentlewoman from North Carolina (Mrs. CLAYTON), we have had devastating floods; and the people in my district are asking me how can the President want to increase foreign aid when the people of eastern North Carolina as well as many farmers throughout this country that were devastated by drought, why we do not take some of that money and give it back to the taxpayer that is paying for this foreign aid.

So I wanted just to thank the gentleman because I will say quite frankly, it is becoming an issue that I hear almost daily from the citizens of eastern North Carolina who have been devastated. They want some of this money that is going to foreign aid to stay here in America to help the taxpayer.

FOREIGN AID SHOULD NOT BE INCREASED

The SPEAKER pro tempore (Mr. ISAKSON). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, if I might ask the gentleman, because, again, I took his time and I apologize, but if he would please respond and help me explain to the people in my district.

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

Mr. JONES of North Carolina. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, let me say to the distinguished gentleman from North Carolina (Mr. JONES), he has a genuine problem. I represent coastal Georgia and we were scared to death. I and my family and loved ones and all of my friends participated in one of the largest peacetime evacuations in the history of the country. In fact, I think it was the largest. I know what the hurricane and the floods have done to North Carolina, and I know that the gentleman does have towns that are under water. I know that hog farms have floated away, and I know that one million chickens have been drowned and there has been a huge dent in the food supply, the personal suffering of people. I understand that that damage, although no one has a real grip on it, may be as high as $2.2 billion.

Mr. JONES of North Carolina. The gentleman is correct.

Mr. KINGSTON. Yet the President wants to increase foreign aid $2.2 billion.

Those people have not paid taxes. The good people in North Carolina have paid taxes.

What are we doing? We have a flood, a major disaster in one of our own States, and it is going to be about $2 billion; but the President has chosen, instead, to veto foreign aid and wants to spend an extra $2 billion of hard-working taxpayer monies and send it to Communist countries like North Korea.

Mr. JONES of North Carolina. Mr. Speaker, I will say that the gentleman is right on target because the people of eastern North Carolina have been devastated. They keep telling me that they want this Congress, both Republicans and Democrats, to understand that the American people, when they have a need, should come first. To try to expand this foreign aid bill by $2 billion to $3 billion is unacceptable to the people of my district and the district of the gentlewoman from North Carolina (Mrs. CLAYTON), I can assure the gentleman.

Mr. KINGSTON. I think that it is the intention of the House that before we increase foreign aid, we want to take care of the good people of North Carolina.

Again, I want to emphasize, Mr. Speaker, we want 100 percent of the Social Security Trust Fund protected and kept for Social Security. We do not want to increase taxes and we showed that yesterday by a vote of 419 to 0, no tax increase. The only place to get the money is to reduce spending, create some savings within the existing budget so that we can distribute it fairly and evenly and use common sense as the rule of thumb.

CONFERENCE REPORT ON H.R. 2466, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REGULA (during the Special Order of Mr. PALLONE) submitted the following conference report and statement on the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–406)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2466) ''making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $644,218,000, to remain available until expended, of which $2,147,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $2,500,000 shall be available in fiscal year 2000 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $33,529,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $644,218,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities, and of which $2,500,000, to remain available until expended, is for coalbed methane Applications for Permits to Drill in the Powder River Basin: Provided, That unless there is a written agreement in place between the coal mining operator and a gas producer, the funds available herein shall not be used to process or approve coalbed methane Applications for Permits to Drill for well sites that are located within an area, which as of the date of the coalbed methane Application for Permit to Drill, are covered by: (1) a coal lease; (2) a coal mining permit; or (3) an application for a coal mining lease: Provided further, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, $292,282,000, to remain available until expended, of which not to exceed $9,300,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the ''Fire Protection'' and ''Emergency Department of the Interior Firefighting Fund'' may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856

et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That not more than $58,000 shall be available to the Bureau of Land Management to reimburse Trinity County for expenses incurred as part of the July 2, 1999 Lowden Fire.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $11,425,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $135,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $15,500,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $99,225,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the general fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $716,046,000, to remain available until September 30, 2001, except as otherwise provided herein, of which $11,701,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided, That not less than $1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: Provided further, That not to exceed $6,232,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii): Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses: Provided further, That hereafter, all fines collected by the United States Fish and Wildlife Service for violations of the Marine Mammal Protection Act (16 U.S.C. 1362–1407) and implementing regulations shall be available to the Secretary, without further appropriation, to be used for the expenses of the United States Fish and Wildlife Service in administering activities for the protection and recovery of manatees, polar bears, sea otters, and walruses, and shall remain available until expended: Provided further, That, notwithstanding any other provision of law, in fiscal year 1999 and thereafter, sums provided by private entities for activities pursuant to reimbursable agreements shall be credited to the ''Resource Management'' account and shall remain available until expended: Provided

further, That, heretofore and hereafter, in carrying out work under reimbursable agreements with any State, local, or tribal government, the United States Fish and Wildlife Service may, without regard to 31 U.S.C. 1341 and notwithstanding any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to this appropriation, such credit to occur within 90 days of the date of the original request by the Service for payment: Provided further, That all funds received by the United States Fish and Wildlife Service from responsible parties, heretofore and hereafter, for site-specific damages to National Wildlife Refuge System lands resulting from the exercise of privately-owned oil and gas rights associated with such lands in the States of Louisiana and Texas (other than damages recoverable under the Comprehensive Environmental Response, Compensation and Liability Act (26 U.S.C. 4611 et seq.), the Oil Pollution Act (33 U.S.C. 1301 et seq.), or section 311 of the Clean Water Act (33 U.S.C. 1321 et seq.)), shall be available to the Secretary, without further appropriation and until expended to: (1) complete damage assessments of the impacted site by the Secretary; (2) mitigate or restore the damaged resources; and (3) monitor and study the recovery of such damaged resources.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $54,583,000, to remain available until expended: Provided, That notwithstanding any other provision of law, a single procurement for the construction of facilities at the Alaska Maritime National Wildlife Refuge may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clauses ''availability of funds'' found at 48 CFR 52.232.18.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $50,513,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $16,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $15,000,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), $2,400,000, to remain available until expended: Provided, That funds made available under this Act, Public Law 105–277, and Public Law 105–83 for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

COMMERCIAL SALMON FISHERY CAPACITY REDUCTION

For the Federal share of a capacity reduction program to repurchase Washington State Fraser River Sockeye commercial fishery licenses consistent with the implementation of the ''June 30, 1999, Agreement of the United States and Canada on the Treaty Between the Government of the United States and the Government of Canada Concerning Pacific Salmon, 1985'', $5,000,000, to remain available until expended, and to be provided in the form of a grant directly to the State of Washington Department of Fish and Wildlife.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 70 passenger motor vehicles, of which 61 are for replacement only (including 36 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, $1,365,059,000, of which $8,800,000 is for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed $8,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $53,899,000, of which $2,000,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), and of which $866,000 shall be available until expended for the Oklahoma City National Memorial Trust, notwithstanding 7(1) of Public Law 105–58: Provided, That notwithstanding any other provision of law, the National Park Service may hereafter recover all fees derived from providing necessary review services associated with historic preservation tax certification, and such funds shall be available until expended without further appropriation for the costs of such review services: Provided further, That no more than $150,000 may be used for overhead and program administrative expenses for the heritage partnership program.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $45,212,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2001, of which $10,722,000 pursuant to section 507 of Public Law 104–333 shall remain available until expended: Provided, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: Provided further, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $224,493,000, to remain available until expended, of which $885,000 shall be for realignment of the Denali National Park entrance road, of which not less than $2,000,000 shall be available for modifications to the Franklin Delano Roosevelt Memorial: Provided, That $3,000,000 for the Wheeling National Heritage Area, $3,000,000 for the Lincoln Library, and $3,000,000 for the Southwest Pennsylvania Heritage Area shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That the National Park Service will make available 37 percent, not to exceed $1,850,000, of the total cost of upgrading the Mariposa County, California municipal solid waste disposal system: Provided further, That Mariposa County will provide assurance that future use fees paid by the National Park Service will be reflective of the capital contribution made by the National Park Service.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2000 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $120,700,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which $21,000,000 is for the State assistance program including $1,000,000 to administer the State assistance program, and of which $10,000,000 may be for State grants for land acquisition in the State of Florida: Provided, That funds provided for State grants for land acquisition in the State of Florida are contingent upon the following: (1) a signed, binding agreement between all principal Federal and non-Federal partners involved in the South Florida Restoration Initiative which provides specific volume, timing, location and duration of flow specifications and water quality measurements which will ensure adequate and appropriate water supply to all natural areas in southern Florida including all National Parks, Preserves, Wildlife Refuge lands and other areas to attain a restored ecosystem, and which will ensure that water supply systems in the region impacted by the Central and Southern Florida Project receive the appropriate quantity, distribution, quality and timing of water to be delivered from the operation of the Central and Southern Florida Project during, and subsequent to, the implementation of the Central and Southern Florida Project Comprehensive Review Study as set forth in section 528 of the Water Resources Development Act of 1996; (2) the submission of detailed legislative language to the House and Senate Committees on Appropriations that accomplishes this goal; and (3) submission of a complete prioritized non-Federal land acquisition project list: Provided further, That if all principal Federal and non-Federal partners in the South Florida Restoration Initiative do not sign the binding agreement described in the preceding proviso within 180 days of the date of the enactment of this Act, the funds provided herein for State grants for land acquisition in the State of Florida may be made available for that purpose upon the approval of both the House and Senate Committees on Appropriations pursuant to established reprogramming procedures: Provided further, That after the requirements under this heading have been met, from the funds made available for State grants for land acquisition in the State of Florida the Secretary may provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: Provided further, That funds provided under this heading to the State of Florida are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That of the amount provided herein $2,000,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Wisconsin so that the State may acquire land or interest in land for the Ice Age National Scenic Trail: Provided further, That of the amount provided herein $500,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Wisconsin so that the State may acquire land or interest in land for the North Country National Scenic Trail: Provided further, That funds provided under this heading to the State of Wisconsin are contingent upon matching funds by the State.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 384 passenger motor vehicles, of which 298 shall be for replacement only, including not to exceed 312 for police-type use, 12 buses, and 6 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $823,833,000, of which $60,856,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $2,000,000 shall remain available until expended for ongoing development of a mineral and geologic data base; and of which $137,604,000 shall be available until September 30, 2001 for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may hereafter contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $110,682,000, of which $84,569,000 shall be available for royalty management activities; and an amount not to exceed $124,000,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $124,000,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $124,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2001: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000

under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That not to exceed $198,000 shall be available to carry out the requirements of section 215(b)(2) of the Water Resources Development Act of 1999.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $95,891,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2000 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $191,208,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $8,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2000: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That, in addition to the amount granted to the Commonwealth of Pennsylvania under sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act (Act), an additional $300,000 will be specifically used for the purpose of conducting a demonstration project in accordance with section 401(c)(6) of the Act to determine the efficacy of improving water quality by removing metals from eligible waters polluted by acid mine drainage: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,637,444,000, to remain available until September 30, 2001 except as otherwise provided herein, of which not to exceed $93,684,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $115,229,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2000, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $401,010,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2000, and shall remain available until September 30, 2001; and of which not to exceed $51,991,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $42,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2001, may be transferred during fiscal year 2002 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2002.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $146,884,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2000, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): Provided further, That notwithstanding any other provision of law, collections from the settlements between the United States and the Puyallup tribe concerning Chief Leschi school are made available for school construction in fiscal year 2000 and hereafter: Provided further, That in return for a quit claim deed to a school building on the Lac Courte Oreilles Ojibwe Indian Reservation, the Secretary shall pay to U.K. Development, LLC the amount of $375,000 from the funds made available under this heading.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $27,256,000, to remain available until expended; of which $25,260,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; and of which $1,871,000 shall be available pursuant to Public Laws 99–264, 100–383, 103–402 and 100–580.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional

Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $508,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro-rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''). Not later than June 15, 2000, the Secretary of the Interior shall evaluate the effectiveness of Bureau-funded schools sharing facilities with charter schools in the manner described in the preceding sentence and prepare and submit a report on the finding of that evaluation to the Committees on Appropriations of the Senate and of the House.

The Tate Topa Tribal School, the Black Mesa Community School, the Alamo Navajo School, and other Bureau-funded schools subject to the approval of the Secretary of the Interior, may use prior year school operations funds for the replacement or repair of Bureau of Indian Affairs education facilities which are in compliance with 25 U.S.C. 2005(a) and which shall be eligible for operation and maintenance support to the same extent as other Bureau of Indian Affairs education facilities: Provided, That any additional construction costs for replacement or repair of such facilities begun with prior year funds shall be completed exclusively with non-Federal funds.

DEPARTMENT OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $67,171,000, of which: (1) $63,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,095,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That Public Law 94–241, as amended, is further amended: (1) in section 4(b) by striking ''2002'' and inserting ''1999'' and by striking the comma after ''$11,000,000 annually'' and inserting the following: ''and for fiscal year 2000, payments to the Commonwealth of the Northern Mariana Islands shall be $5,580,000, but shall return to the level of $11,000,000 annually for fiscal years 2001 and 2002. In fiscal year 2003, the payment to the Commonwealth of the Northern Mariana Islands shall be $5,420,000. Such payments shall be''; and (2) in section (4)(c) by adding a new subsection as follows: ''(4) for fiscal year 2000, $5,420,000 shall be provided to the Virgin Islands for correctional facilities and other projects mandated by Federal law.'': Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $20,545,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $62,864,000, of which not to exceed $8,500 may be for official reception and representation expenses and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $40,196,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $26,086,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $90,025,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2000, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the

Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION PILOT

INDIAN LAND CONSOLIDATION

For implementation of a pilot program for consolidation of fractional interests in Indian lands by direct expenditure or cooperative agreement, $5,000,000 to remain available until expended and which shall be transferred to the Bureau of Indian Affairs, of which not to exceed $500,000 shall be available for administrative expenses: Provided, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93–638, as amended, with a tribe having jurisdiction over the pilot reservation to implement the program to acquire fractional interests on behalf of such tribe: Provided further, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: Provided further, That acquisitions shall be limited to one or more pilot reservations as determined by the Secretary: Provided further, That funds shall be available for acquisition of fractional interest in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this pilot program: Provided further, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interest shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: Provided further, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and Public Law 101–337, $5,400,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to ''Wildland Fire Management'' shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995.

(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump sum from the Helium Fund for such leave.

(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium production and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

(f) This section shall remain in effect through fiscal year 2002.

SEC. 113. Notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, hereafter funds available to the Department of the Interior for Indian self-determination or self-governance contract or grant support costs may be expended only for costs directly attributable to contracts, grants and compacts pursuant to the Indian Self-Determination Act of 1975 and hereafter funds appropriated in this title shall not be available for any contract support costs or indirect costs associated with any contract, grant, cooperative agreement, self-governance compact or funding agreement entered into between an Indian tribe or tribal organization and any entity other than an agency of the Department of the Interior.

SEC. 114. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 115. Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C. for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the operation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended.

SEC. 116. Notwithstanding any other provision of law, the Steel Industry American Heritage Area, authorized by Public Law 104–333, is hereby renamed the Rivers of Steel National Heritage Area.

SEC. 117. (a) In this section—

(1) the term ''Huron Cemetery'' means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(3); and

(2) the term ''Secretary'' means the Secretary of the Interior.

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

''Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

''Thence South 28 poles to the 'true point of beginning';

''Thence South 71 degrees East 10 poles and 18 links;

''Thence South 18 degrees and 30 minutes West 28 poles;

''Thence West 11 and one-half poles;

''Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the 'true point of beginning', containing 2 acres or more.''.

SEC. 118. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior's bureaus and offices as determined by the Secretary or his designee.

SEC. 119. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 120. All properties administered by the National Park Service at Fort Baker, Golden Gate National Recreation Area, and leases, concessions, permits and other agreements associated with those properties, hereafter shall be exempt from all taxes and special assessments, except sales tax, by the State of California and its political subdivisions, including the County of Marin and the City of Sausalito. Such areas of Fort Baker shall remain under exclusive Federal jurisdiction.

SEC. 121. Notwithstanding any provision of law, the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 122. Where any Federal lands included in the boundary of Lake Roosevelt National Recreational Area for grazing purposes, pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands shall be entitled to renew said permit. The National Park Service is further directed to manage the Lake Roosevelt National Recreational Area subject to grazing use in a manner that will protect the recreational, natural (including water quality) and cultural resources of the Lake Roosevelt National Recreational Area.

SEC. 123. Grazing permits and leases that expire or are transferred, shall be renewed on the same terms and conditions as contained in the expiring permits or leases until the Secretary of the Interior completes processing these permits and leases in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this language shall be deemed to alter the Secretary's statutory authority.

SEC. 124. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the Secretary may only appoint such Indian probate judges if, by January 1, 2000, the Secretary is unable to secure the services of at least 10 qualified Administrative Law Judges on a temporary basis from other agencies and/or through appointing retired Administrative Law Judges: Provided further, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 125. (a) LOAN TO BE GRANTED.—Notwithstanding any other provision of law or of this Act, the Secretary of the Interior (hereinafter

the ''Secretary''), in consultation with the Secretary of the Treasury, shall make available to the Government of American Samoa (hereinafter ''ASG''), the benefits of a loan in the amount of $18,600,000 bearing interest at a rate equal to the United States Treasury cost of borrowing for obligations of similar duration. Repayment of the loan shall be secured and accomplished pursuant to this section with funds, as they become due and payable to ASG from the Escrow Account established under the terms and conditions of the Tobacco Master Settlement Agreement (and the subsequent Enforcing Consent Decree) (hereinafter collectively referred to as ''the Agreement'') entered into by the parties November 23, 1998, and judgment granted by the High Court of American Samoa on January 5, 1999 (Civil Action 119–98, American Samoa Government v. Philip Morris Tobacco Co., et. al.).

(b) CONDITIONS REGARDING LOAN PROCEEDS.—Except as provided under subsection (e), no proceeds of the loan described in this section shall become available until ASG—

(1) has enacted legislation, or has taken such other or additional official action as the Secretary may deem satisfactory to secure and ensure repayment of the loan, irrevocably transferring and assigning for payment to the Department of the Interior (or to the Department of the Treasury, upon agreement between the Secretaries of such departments) all amounts due and payable to ASG under the terms and conditions of the Agreement for a period of 26 years with the first payment beginning in 2000, such repayment to be further secured by a pledge of the full faith and credit of ASG;

(2) has entered into an agreement or memorandum of understanding described in subsection (c) with the Secretary identifying with specificity the manner in which approximately $14,300,000 of the loan proceeds will be used to pay debts of ASG incurred prior to April 15, 1999; and

(3) has provided to the Secretary an initial plan of fiscal and managerial reform as described in subsection (d) designed to bring the ASG's annual operating expenses into balance with projected revenues for the years 2003 and beyond, and identifying the manner in which approximately $4,300,000 of the loan proceeds will be utilized to facilitate implementation of the plan.

(c) PROCEDURE AND PRIORITIES FOR DEBT PAYMENTS.—

(1) In structuring the agreement or memorandum of understanding identified in subsection (b)(2), the ASG and the Secretary shall include provisions, which create priorities for the payment of creditors in the following order—

(A) debts incurred for services, supplies, facilities, equipment and materials directly connected with the provision of health, safety and welfare functions for the benefit of the general population of American Samoa (including, but not limited to, health care, fire and police protection, educational programs grades K–12, and utility services for facilities belonging to or utilized by ASG and its agencies), wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 75 percent of the amount owed, shall be given the highest priority for payment from the loan proceeds under this section;

(B) debts not exceeding a total amount of $200,000 owed to a single provider and incurred for any legitimate governmental purpose for the benefit of the general population of American Samoa, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 70 percent of the amount owed, shall be given the second highest priority for payment from the loan proceeds under this section;

(C) debts exceeding a total amount of $200,000 owed to a single provider and incurred for any legitimate governmental purpose for the benefit of the general population of American Samoa, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 65 percent of the amount owed, shall be given the third highest priority for payment from the loan proceeds under this section;

(D) other debts regardless of total amount owed or purpose for which incurred, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 60 percent of the amount owed, shall be given the fourth highest priority for payment from the loan proceeds under this section;

(E) debts described in subparagraphs (A), (B), (C), and (D) of this paragraph, wherein the creditor declines to compromise and settle the debt for the percentage of the amount owed as specified under the applicable subparagraph, shall be given the lowest priority for payment from the loan proceeds under this section.

(2) The agreement described in subsection (b)(2) shall also generally provide a framework whereby the Governor of American Samoa shall, from time-to-time, be required to give 10 business days notice to the Secretary that ASG will make payment in accordance with this section to specified creditors and the amount which will be paid to each of such creditors. Upon issuance of payments in accordance with the notice, the Governor shall immediately confirm such payments to the Secretary, and the Secretary shall within three business days following receipt of such confirmation transfer from the loan proceeds an amount sufficient to reimburse ASG for the payments made to creditors.

(3) The agreement may contain such other provisions as are mutually agreeable, and which are calculated to simplify and expedite the payment of existing debt under this section and ensure the greatest level of compromise and settlement with creditors in order to maximize the retirement of ASG debt.

(d) FISCAL AND MANAGERIAL REFORM PROGRAM.—

(1) The initial plan of fiscal and managerial reform, designed to bring ASG's annual operating expenses into balance with projected revenues for the years 2003 and beyond as required under subsection (b)(3), should identify specific measures which will be implemented by ASG to accomplish such goal, the anticipated reduction in government operating expense which will be achieved by each measure, and should include a timetable for attainment of each reform measure identified therein.

(2) The initial plan should also identify with specificity the manner in which approximately $4,300,000 of the loan proceeds will be utilized to assist in meeting the reform plan's targets within the timetable specified through the use of incentives for early retirement, severance pay packages, outsourcing services, or any other expenditures for program elements reasonably calculated to result in reduced future operating expenses for ASG on a long term basis.

(3) Upon receipt of the initial plan, the Secretary shall consult with the Governor of American Samoa, and shall make any recommendations deemed reasonable and prudent to ensure the goals of reform are achieved. The reform plan shall contain objective criteria that can be documented by a competent third party, mutually agreeable to the Governor and the Secretary. The plan shall include specific targets for reducing the amounts of ASG local revenues expended on government payroll and overhead (including contracts for consulting services), and may include provisions which allow modest increases in support of the LBJ Hospital Authority reasonably calculated to assist the Authority implement reforms which will lead to an independent audit indicating annual expenditures at or below annual Authority receipts.

(4) The Secretary shall enter into an agreement with the Governor similar to that specified in subsection (c)(2) of this section, enabling ASG to make payments as contemplated in the reform plan and then to receive reimbursement from the Secretary out of the portion of loan proceeds allocated for the implementation of fiscal reforms.

(5) Within 60 days following receipt of the initial plan, the Secretary shall approve an interim final plan reasonably calculated to make substantial progress toward overall reform. The Secretary shall provide copies of the plan, and any subsequent modifications, to the House Committee on Resources, the House Committee on Appropriations Subcommittee on the Department of the Interior and Related Agencies, the Senate Committee on Energy and Natural Resources, and the Senate Committee on Appropriations Subcommittee on the Department of the Interior and Related Agencies.

(6) From time-to-time as deemed necessary, the Secretary shall consult further with the Governor of American Samoa, and shall approve such mutually agreeable modifications to the interim final plan as circumstances warrant in order to achieve the overall goals of ASG fiscal and managerial reforms.

(e) RELEASE OF LOAN PROCEEDS.—From the total proceeds of the loan described in this section, the Secretary shall make available—

(1) upon compliance by ASG with paragraphs (b)(1) and (b)(2) of this section and in accordance with subsection (c), approximately $14,300,000 in reimbursements as requested from time-to-time by the Governor for payments to creditors;

(2) upon compliance by ASG with paragraphs (b)(1) and (b)(3) of this section and in accordance with subsection (d), approximately $4,300,000 in reimbursements as requested from time-to-time by the Governor for payments associated with implementation of the interim final reform plan; and

(3) notwithstanding paragraphs (1) and (2) of this subsection, at any time the Secretary and the Governor mutually determine that the amount necessary to fund payments under paragraph (2) will total less than $4,300,000 then the Secretary may approve the amount of any unused portion of such sum for additional payments against ASG debt under paragraph (1).

(f) EXCEPTION.—Proceeds from the loan under this section shall be used solely for the purposes of debt payments and reform plan implementation as specified herein, except that the Secretary may provide an amount equal to not more than 2 percent of the total loan proceeds for the purpose of retaining the services of an individual or business entity to provide direct assistance and management expertise in carrying out the purposes of this section. Such individual or business entity shall be mutually agreeable to the Governor and the Secretary, may not be a current or former employee of, or contractor for, and may not be a creditor of ASG. Notwithstanding the preceding two sentences, the Governor and the Secretary may agree to also retain the services of any semi-autonomous agency of ASG which has established a record of sound management and fiscal responsibility, as evidenced by audited financial reports for at least three of the past 5 years, to coordinate with and assist any individual or entity retained under this subsection.

(g) CONSTRUCTION.—The provisions of this section are expressly applicable only to the utilization of proceeds from the loan described in this section, and nothing herein shall be construed to relieve ASG from any lawful debt or obligation except to the extent a creditor shall voluntarily enter into an arms length agreement to compromise and settle outstanding amounts under subsection (c).

(h) TERMINATION.—The payment of debt and the payments associated with implementation of the interim final reform plan shall be completed not later than October 1, 2003. On such date, any unused loan proceeds totaling $1,000,000 or less shall be transferred by the Secretary directly to ASG. If the amount of unused loan proceeds exceeds $1,000,000, then such amount shall be credited to the total of loan repayments specified in paragraph (b)(1). With approval of the Secretary, ASG may designate additional payments from time-to-time from funds available from any source, without regard to the original purpose of such funds.

SEC. 126. The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and in consultation with the Director of the National Park Service, shall undertake the necessary activities to designate Midway Atoll as a National Memorial to the Battle of Midway. In pursuing such a designation the Secretary shall consult with organizations with an interest in Midway Atoll. The Secretary shall consult on a regular basis with such organizations, including the International Midway Memorial Foundation, Inc. on the management of the National Memorial.

SEC. 127. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2000. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 128. None of the Funds provided in this Act shall be available to the Bureau of Indian Affairs or the Department of the Interior to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, unless and until the tribe and the county reach a legally enforceable agreement that addresses the financial impact of new development on the county, school district, fire district, and other local governments and the impact on zoning and development.

SEC. 129. None of the funds provided in this Act may be used by the Department of the Interior to implement the provisions of Principle 3(C)ii and Appendix section 3(B)(4) in Secretarial Order 3206, entitled ''American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act''.

SEC. 130. Of the funds appropriated in title V of the Fiscal Year 1998 Interior and Related Agencies Appropriation Act, Public Law 105–83, the Secretary shall provide up to $2,000,000 in the form of a grant to the Fairbanks North Star Borough for acquisition of undeveloped parcels along the banks of the Chena River for the purpose of establishing an urban greenbelt within the Borough. The Secretary shall further provide from the funds appropriated in title V up to $1,000,000 in the form of a grant to the Municipality of Anchorage for the acquisition of approximately 34 acres of wetlands adjacent to a municipal park in Anchorage (the Jewel Lake Wetlands).

SEC. 131. FUNDING FOR THE OTTAWA NATIONAL WILDLIFE REFUGE AND CERTAIN PROJECTS IN THE STATE OF OHIO. Notwithstanding any other provision of law, from the unobligated balances appropriated for a grant to the State of Ohio for the acquisition of the Howard Farm near Metzger Marsh, Ohio—

(1) $500,000 shall be derived by transfer and made available for the acquisition of land in the Ottawa National Wildlife Refuge;

(2) $302,000 shall be derived by transfer and made available for the Dayton Aviation Heritage Commission, Ohio; and

(3) $198,000 shall be derived by transfer and made available for a grant to the State of Ohio for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant.

SEC. 132. CONVEYANCE TO NYE COUNTY, NEVADA. (a) DEFINITIONS.—In this section:

(1) COUNTY.—The term ''County'' means Nye County, Nevada.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) PARCELS CONVEYED FOR USE OF THE NEVADA SCIENCE AND TECHNOLOGY CENTER.—

(1) IN GENERAL.—For no consideration and at no other cost to the County, the Secretary shall convey to the County, subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2).

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following:

(A) The portion of Sec. 13 north of United States Route 95, T. 15 S., R. 49 E., Mount Diablo Meridian, Nevada.

(B) In Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(i) W ½ W ½ NW ¼.

(ii) The portion of the W ½ W ½ SW ¼ north of United States Route 95.

(3) USE.—

(A) IN GENERAL.—The parcels described in paragraph (2) shall be used for the construction and operation of the Nevada Science and Technology Center as a nonprofit museum and exposition center, and related facilities and activities.

(B) REVERSION.—The conveyance of any parcel described in paragraph (2) shall be subject to reversion to the United States, at the discretion of Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

(c) PARCELS CONVEYED FOR OTHER USE FOR A COMMERCIAL PURPOSE.—

(1) RIGHT TO PURCHASE.—For a period of 5 years beginning on the date of the enactment of this Act, the County shall have the exclusive right to purchase the parcels of public land described in paragraph (2) for the fair market value of the parcels, as determined by the Secretary.

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following parcels in Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(A) E ½ NW ¼.

(B) E ½ W ½ NW ¼.

(C) The portion of the E ½ SW ¼ north of United States Route 95.

(D) The portion of the E ½ W ½ SW ¼ north of United States Route 95.

(E) The portion of the SE ¼ north of United States Route 95.

(3) USE OF PROCEEDS.—Proceeds of a sale of a parcel described in paragraph (2)—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be available for use by the Secretary—

(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

SEC. 133. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA. Section 3 of Public Law 99–548 (100 Stat. 3061; 110 Stat. 3009–202) is amended by adding at the end the following:

''(e) FIFTH AREA.—

''(1) RIGHT TO PURCHASE.—For a period of 12 years after the date of the enactment of this Act, the City of Mesquite, Nevada, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

''(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

''(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

''(i) The portion of sec. 27 north of Interstate Route 15.

''(ii) Sec. 28: NE ¼, S ½ (except the Interstate Route 15 right-of-way).

''(iii) Sec. 29: E ½ NE ¼ SE ¼, SE ¼ SE ¼.

''(iv) The portion of sec. 30 south of Interstate Route 15.

''(v) The portion of sec. 31 south of Interstate Route 15.

''(vi) Sec. 32: NE ¼ NE ¼ (except the Interstate Route 15 right-of-way), the portion of NW ¼ NE ¼ south of Interstate Route 15, and the portion of W ½ south of Interstate Route 15.

''(vii) The portion of sec. 33 north of Interstate Route 15.

''(B) In T. 14 S., R. 70 E., Mount Diablo Meridian, Nevada:

''(i) Sec. 5: NW ¼.

''(ii) Sec. 6: N ½.

''(C) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

''(i) The portion of sec. 25 south of Interstate Route 15.

''(ii) The portion of sec. 26 south of Interstate Route 15.

''(iii) The portion of sec. 27 south of Interstate Route 15.

''(iv) Sec. 28: SW ¼ SE ¼.

''(v) Sec. 33: E ½.

''(vi) Sec. 34.

''(vii) Sec. 35.

''(viii) Sec. 36.

''(3) NOTIFICATION.—Not later than 10 years after the date of the enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph (2) the city intends to purchase.

''(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

''(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of the enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

''(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

''(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

''(B) shall be available for use by the Secretary—

''(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

''(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

''(f) SIXTH AREA.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall convey to the City of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, up to 2,560 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

''(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

''(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

''(i) The portion of sec. 28 south of Interstate Route 15 (except S ½ SE ¼).

''(ii) The portion of sec. 29 south of Interstate Route 15.

''(iii) The portion of sec. 30 south of Interstate Route 15.

''(iv) The portion of sec. 31 south of Interstate Route 15.

''(v) Sec. 32.

''(vi) Sec. 33: W ½.

''(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

''(i) Sec. 4.

''(ii) Sec. 5.

''(iii) Sec. 6.

''(iv) Sec. 8.

''(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

''(i) Sec. 1.

''(ii) Sec. 12.

''(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of the enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.''.

SEC. 134. QUADRICENTENNIAL COMMEMORATION OF THE SAINT CROIX ISLAND INTERNATIONAL HISTORIC SITE. (a) FINDINGS.—The Senate finds that—

(1) in 1604, one of the first European colonization efforts was attempted at St. Croix Island in Calais, Maine;

(2) St. Croix Island settlement predated both the Jamestown and Plymouth colonies;

(3) St. Croix Island offers a rare opportunity to preserve and interpret early interactions between European explorers and colonists and Native Americans;

(4) St. Croix Island is one of only two international historic sites comprised of land administered by the National Park Service;

(5) the quadricentennial commemorative celebration honoring the importance of the St. Croix Island settlement to the countries and people of both Canada and the United States is rapidly approaching;

(6) the 1998 National Park Service management plans and long-range interpretive plan call for enhancing visitor facilities at both Red Beach and downtown Calais;

(7) in 1982, the Department of the Interior and Canadian Department of the Environment signed a memorandum of understanding to recognize the international significance of St. Croix Island and, in an amendment memorandum, agreed to conduct joint strategic planning for the international commemoration with a special focus on the 400th anniversary of settlement in 2004;

(8) the Department of Canadian Heritage has installed extensive interpretive sites on the Canadian side of the border; and

(9) current facilities at Red Beach and Calais are extremely limited or nonexistent for a site of this historic and cultural importance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) using funds made available by this Act, the National Park Service should expeditiously pursue planning for exhibits at Red Beach and the town of Calais, Maine; and

(2) the National Park Service should take what steps are necessary, including consulting with the people of Calais, to ensure that appropriate exhibits at Red Beach and the town of Calais are completed by 2004.

SEC. 135. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 136. None of the funds appropriated or otherwise made available in this Act or any other provision of law, may be used by any officer, employee, department or agency of the United States to impose or require payment of an inspection fee in connection with the export of shipments of fur-bearing wildlife containing 1,000 or fewer raw, crusted, salted or tanned hides or fur skins, or separate parts thereof, including species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington, March 3, 1973 (27 UST 1027): Provided, That this provision shall for the duration of the calendar year in which the shipment occurs, not apply to any person who ships more than 2,500 of such hides, fur skins or parts thereof during the course of such year.

SEC. 137. No funds appropriated under this Act shall be expended to implement sound thresholds or standards in the Grand Canyon National Park until 90 days after the National Park Service has provided to the Congress a report describing: (1) the reasonable scientific basis for such sound thresholds or standard; and (2) the peer review process used to validate such sound thresholds or standard.

SEC. 138. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands from the Haines Borough, Alaska, consisting of approximately 20 acres, more or less, in four tracts identified for this purpose by the Borough, and contained in an area formerly known as ''Duncan's Camp''; the Secretary shall use $340,000 previously allocated from funds appropriated for the Department of the Interior for fiscal year 1998 for acquisition of lands; the Secretary is authorized to convey in fee all land and interests in land acquired pursuant to this section without compensation to the heirs of Peter Duncan in settlement of a claim filed by them against the United States: Provided, That the Secretary shall not convey the lands acquired pursuant to this section unless and until a signed release of all claims is executed.

SEC. 139. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2000 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 140. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 141. None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes until the Comptroller General reviews the issues presented by the rulemaking and issues a report to the Congress. Such report shall be issued no later than 180 days after the date of the enactment of this Act. The rulemaking must be consistent with existing statutory requirements.

SEC. 142. EXTENSION OF AUTHORITY FOR ESTABLISHMENT OF THOMAS PAINE MEMORIAL. (a) IN GENERAL.—Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended by adding at the end the following:

''SEC. 4. EXPIRATION OF AUTHORITY.

''Notwithstanding the time period limitation specified in section 10(b) of the Commemorative Works Act (40 U.S.C. 1010(b)) or any other provision of law, the authority for the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia under this Act shall expire on December 31, 2003.''.

(b) CONFORMING AMENDMENTS.—

(1) APPLICABLE LAW.—Section 1(b) of Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended by striking ''The establishment'' and inserting ''Except as provided in section 4, the establishment''.

(2) EXPIRATION OF AUTHORITY.—Section 3 of Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended—

(A) by striking ''or upon expiration of the authority for the memorial under section 10(b) of that Act,'' and inserting ''or on expiration of the authority for the memorial under section 4,''; and

(B) by striking ''section 8(b)(1) of that Act'' and inserting ''section 8(b)(1) of the Commemorative Works Act (40 U.S.C. 1008(b)(1))''.

SEC. 143. USE OF NATIONAL PARK SERVICE TRANSPORTATION SERVICE CONTRACT FEES. Section 412 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5961) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Notwithstanding''; and

(2) by adding at the end the following:

''(b) OBLIGATION OF FUNDS.—Notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park, the Secretary may obligate the expenditure of fees received in fiscal year 2000 under section 501 before the fees are received.''.

SEC. 144. EXTENSION OF DEADLINE FOR RED ROCK CANYON NATIONAL CONSERVATION AREA. (a) IN GENERAL.—Section 3(c)(1) of Public Law 103–450 (108 Stat. 4767) is amended by striking ''the date 1 year after the date of enactment of this Act'' and inserting ''May 2, 2000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on November 1, 1999.

SEC. 145. NATIONAL PARK PASSPORT PROGRAM. Section 603(c)(1) of the National Park Omnibus Management Act of 1998 (16 U.S.C. 5993(c)(1)) is amended by striking ''10'' and inserting ''15''.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $202,700,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, $187,534,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the headings ''Forest and Rangeland Research'', ''State and Private Forestry'', ''National Forest System'', ''Wildland Fire Management'', ''Reconstruction and Maintenance'', and ''Land Acquisition'', $1,251,504,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees

collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2000 shall be displayed by extended budget line item in the fiscal year 2001 budget justification.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $561,354,000, to remain available until expended: Provided, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 1999 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, up to $4,000,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wildfire suppression activities of the Forest Service, $90,000,000, to remain available until expended: Provided, That the entire amount 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, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

RECONSTRUCTION AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $398,927,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That any unobligated balances of amounts previously appropriated to the Forest Service ''Reconstruction and Construction'' account as well as any unobligated balances remaining in the ''National Forest System'' account for the facility maintenance and trail maintenance extended budget line items at the end of fiscal year 1999 may be transferred to and merged with the ''Reconstruction and Maintenance'' account.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $39,575,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which not to exceed $40,000,000 may be available for the acquisition of lands or interests within the tract known as the Baca Location No. 1 in New Mexico only upon: (1) enactment of legislation authorizing the acquisition of lands, or interests in lands, within such tract; (2) completion of a review, not to exceed 90 days, by the Comptroller General of the United States of an appraisal conforming with the Uniform Appraisal Standards for Federal Land Acquisition of all lands and interests therein to be acquired by the United States; and (3) submission of the Comptroller General's review of such appraisal to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House and Senate: Provided, That subject to valid existing rights, all federally-owned lands and interests in lands within the New World Mining District comprising approximately 26,223 acres, more or less, which are described in a Federal Register notice dated August 19, 1997 (62 Fed. Reg. 44136–44137), are hereby withdrawn from all forms of entry, appropriation, and disposal under the public land laws, and from location, entry and patent under the mining laws, and from disposition under all mineral and geothermal leasing laws.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 110 passenger motor vehicles of which 15 will be used primarily for law enforcement purposes and of which 109 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed three for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 213 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee

National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even-aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Reconstruction and Construction'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104–134, the direct grants provided from the Fund shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities: Provided, That a total of $22,000,000 is hereby appropriated and shall be deposited into the Southeast Alaska Economic Disaster Fund established pursuant to Public Law 104–134, as amended, without further appropriation or fiscal year limitation of which $10,000,000 shall be distributed in fiscal year 2000, $7,000,000 shall be distributed in fiscal year 2001, and $5,000,000 shall be distributed in fiscal year 2002. The Secretary of Agriculture shall allocate the funds to local communities suffering economic hardship because of mill closures and economic dislocation in the timber industry to employ unemployed timber workers and for related community redevelopment projects as follows:

(1) in fiscal year 2000, $4,000,000 for the Ketchikan Gateway Borough, $2,000,000 for the City of Petersburg, $2,000,000 for the City and Borough of Sitka, and $2,000,000 for the Metlakatla Indian Community;

(2) in fiscal year 2001, $3,000,000 for the Ketchikan Gateway Borough, $1,000,000 for the City of Petersburg, $1,500,000 for the City and Borough of Sitka, and $1,500,000 for the Metlakatla Indian Community; and

(3) in fiscal year 2002, $3,000,000 for the Ketchikan Gateway Borough, $500,000 for the City and Borough of Sitka, and $1,500,000 for the Metlakatla Indian Community.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground (referred to as ''indirect expenditures''), from funds available to the Forest Service, unless otherwise prohibited by law: Provided, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided further, That during fiscal year 2000 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $500,000.

From any unobligated balances available at the start of fiscal year 2000, the amount of $5,000,000 shall be allocated to the Alaska Region, in addition to the funds appropriated to sell timber in the Alaska Region under this Act, for expenses directly related to preparing sufficient additional timber for sale in the Alaska Region to establish a 3-year timber supply.

The Forest Service is authorized through the Forest Service existing budget to reimburse Harry Frey, $143,406 (1997 dollars) because his home was destroyed by arson on June 21, 1990 in retaliation for his work with the Forest Service.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $156,000,000 shall not be available until October 1, 2000: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, $410,025,000,

to remain available until expended, of which $24,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Moneys received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1999, shall be deposited in this account and immediately transferred to the general fund of the Treasury. Moneys received as revenue sharing from operation of the Great Plains Gasification Plant and settlement payments shall be immediately transferred to the general fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2000: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling the second installment payment under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2000, for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out energy conservation activities, $689,242,000, to remain available until expended, of which $25,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: Provided, That $167,000,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $134,000,000 for weatherization assistance grants and $33,000,000 for State energy conservation grants: Provided further, That, notwithstanding any other provision of law, in fiscal year 2001 and thereafter sums appropriated for weatherization assistance grants shall be contingent on a cost share of 25 percent by each participating State or other qualified participant.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $2,000,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $159,000,000, to remain available until expended: Provided, That the Secretary of Energy hereafter may transfer to the SPR Petroleum Account such funds as may be necessary to carry out drawdown and sale operations of the Strategic Petroleum Reserve initiated under section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) from any funds available to the Department of Energy under this or any other Act: Provided further, That all funds transferred pursuant to this authority must be replenished as promptly as possible from oil sale receipts pursuant to the drawdown and sale.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $72,644,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

The Secretary of Energy in cooperation with the Administrator of General Services Administration shall convey to the City of Bartlesville, Oklahoma, for no consideration, the approximately 15.644 acres of land comprising the former site of the National Institute of Petroleum Energy Research (including all improvements on the land) described as follows: All of Block 1, Keeler's Second Addition, all of Block 2, Keeler's Fourth Addition, all of Blocks 9 and 10, Mountain View Addition, all in the City of Bartlesville, Washington County, Oklahoma.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,053,967,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $395,290,000 for contract medical care shall remain available for obligation until September 30, 2001: Provided further, That of the funds provided, up to $17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2001: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $203,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2000: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $318,580,000, to remain available until expended: Provided, That notwithstanding any other provision of law,

funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That notwithstanding any provision of law governing Federal construction, $3,000,000 of the funds provided herein shall be provided to the Hopi Tribe to reduce the debt incurred by the Tribe in providing staff quarters to meet the housing needs associated with the new Hopi Health Center: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That from within existing funds, the Indian Health Service may purchase up to 5 acres of land for expanding the parking facilities at the Indian Health Service hospital in Tahlequah, Oklahoma.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates 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 and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $2,125,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $372,901,000, of which not to exceed $43,318,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and of which $2,500,000 shall remain available until expended for the National Museum of Natural History's Arctic Studies Center to include assistance to other museums for the planning and development of institutions and facilities that enhance the display of collections, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, REHABILITATION AND ALTERATION OF FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of repair, rehabilitation and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $47,900,000, to remain available until expended, of which $6,000,000 is provided for repair, rehabilitation and alteration of facilities at the National Zoological Park: Provided, That contracts awarded for environmental systems, protection systems, and repair or rehabilitation of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That funds previously appropriated to the ''Construction and Improvements, National Zoological Park'' account and the ''Repair and Restoration of Buildings'' account may be transferred to and merged with this ''Repair, Rehabilitation and Alteration of Facilities'' account.

CONSTRUCTION

For necessary expenses for construction, $19,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101–185 for the construction of the National Museum of the American Indian.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $61,538,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,311,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $14,000,000.

CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $20,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $6,790,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $85,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,000,000, to remain available until expended, to the National Endowment for the Arts: Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $101,000,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,700,000, to remain available until expended, of which $10,700,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $24,400,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,005,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,000,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $6,312,000: Provided, That all appointed members will be compensated at a rate not to exceed the rate for level IV of the Executive Schedule.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, $33,286,000, of which $1,575,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $24,400,000 shall be available to the Presidio Trust, to remain available until expended, of which up to $1,040,000 may be for the cost of guaranteed loans, as authorized by section 104(d) of the 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: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $200,000,000. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed $20,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. 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. 305. 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 except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the ''Buy American Act'').

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

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

(d) EFFECTIVE DATE.—The provisions of this section are applicable in fiscal year 2000 and thereafter.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1999.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2000, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 313. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, and 105–277 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 1999 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2000 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' component of the President's Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 315. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 316. (a) None of the funds made available in this Act or any other Act providing appropriations for the Department of the Interior, the Forest Service or the Smithsonian Institution may be used to submit nominations for the designation of Biosphere Reserves pursuant to the Man and Biosphere program administered by the United Nations Educational, Scientific, and Cultural Organization.

(b) The provisions of this section shall be repealed upon the enactment of subsequent legislation specifically authorizing United States participation in the Man and Biosphere program.

SEC. 317. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 318. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 319. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 320. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

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

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the 15 year legally mandated date to revise before or during calendar year 2000; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 322. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 323. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 324. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers or the President's Council on Sustainable Development.

SEC. 325. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 326. Notwithstanding any other provision of law, none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs may be used to enter into any new or expanded self-determination contract or grant or self-governance compact pursuant to the Indian Self-Determination Act of 1975, as amended, for any activities not previously covered by such contracts, compacts or grants. Nothing in this section precludes the continuation of those specific activities for which self-determination and self-governance contracts, compacts and grants currently exist or the renewal of contracts, compacts and grants for those activities; implementation of section 325 of Public Law 105–83 (111 Stat. 1597); or compliance with 25 U.S.C. 2005.

SEC. 327. Amounts deposited during fiscal year 1999 in the roads and trails fund provided for in the fourteenth paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2000, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 328. None of the funds made available in this Act may be used to establish a national wildlife refuge in the Kankakee River watershed in northwestern Indiana and northeastern Illinois.

SEC. 329. None of the funds provided in this or previous appropriations Acts for the agencies funded by this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be transferred to or used to support the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers program.

SEC. 330. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 331. ENHANCING FOREST SERVICE ADMINISTRATION OF RIGHTS-OF-WAY AND LAND USES. (a) The Secretary of Agriculture shall develop and implement a pilot program for the purpose of enhancing forest service administration of rights-of-way and other land uses. The authority for this program shall be for fiscal years 2000 through 2004. Prior to the expiration of the authority for this pilot program, the Secretary shall submit a report to the House and Senate Committees on Appropriations, and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that evaluates whether the use of funds under this section resulted in more expeditious approval of rights-of-way and special use authorizations. This report shall include the Secretary's recommendation for statutory or regulatory changes to reduce the average processing time for rights-of-way and special use permit applications.

(b) DEPOSIT OF FEES.—Subject to subsections (a) and (f), during fiscal years 2000 through 2004, the Secretary of Agriculture shall deposit into a special account established in the Treasury all fees collected by the Secretary to recover the costs of processing applications for, and monitoring compliance with, authorizations to use and occupy National Forest System lands pursuant to section 28(l) of the Mineral Leasing Act (30 U.S.C. 185(l)), section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), section 9701 of title 31, United States Code, and section 110(g) of the National Historic Preservation Act (16 U.S.C. 470h–2(g)).

(c) USE OF RETAINED AMOUNTS.—Amounts deposited pursuant to subsection (b) shall be available, without further appropriation, for expenditure by the Secretary of Agriculture to cover costs incurred by the Forest Service for the processing of applications for special use authorizations and for monitoring activities undertaken in connection with such authorizations. Amounts in the special account shall remain available for such purposes until expended.

(d) REPORTING REQUIREMENT.—In the budget justification documents submitted by the Secretary of Agriculture in support of the President's budget for a fiscal year under section 1105 of title 31, United States Code, the Secretary shall include a description of the purposes for which amounts were expended from the special account during the preceding fiscal year, including the amounts expended for each purpose, and a description of the purposes for which amounts are proposed to be expended from the special account during the next fiscal year, including the amounts proposed to be expended for each purpose.

(e) DEFINITION OF AUTHORIZATION.—For purposes of this section, the term ''authorizations'' means special use authorizations issued under subpart B of part 251 of title 36, Code of Federal Regulations.

(f) IMPLEMENTATION.—This section shall take effect upon promulgation of Forest Service regulations for the collection of fees for processing of special use authorizations and for related monitoring activities.

SEC. 332. HARDWOOD TECHNOLOGY TRANSFER AND APPLIED RESEARCH. (a) The Secretary of Agriculture (hereinafter the ''Secretary'') is hereby and hereafter authorized to conduct technology transfer and development, training, dissemination of information and applied research in the management, processing and utilization of the hardwood forest resource. This authority is in addition to any other authorities which may be available to the Secretary including, but not limited to, the Cooperative Forestry Assistance Act of 1978, as amended (16 U.S.C. 2101 et seq.), and the Forest and Rangeland Renewable Resources Act of 1978, as amended (16 U.S.C. 1600–1614).

(b) In carrying out this authority, the Secretary may enter into grants, contracts, and cooperative agreements with public and private agencies, organizations, corporations, institutions and individuals. The Secretary may accept gifts and donations pursuant to the Act of October 10, 1978 (7 U.S.C. 2269) including gifts and donations from a donor that conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(c) The Secretary is hereby and hereafter authorized to operate and utilize the assets of the Wood Education and Resource Center (previously named the Robert C. Byrd Hardwood Technology Center in West Virginia) as part of a newly formed ''Institute of Hardwood Technology Transfer and Applied Research'' (hereinafter the ''Institute''). The Institute, in addition to the Wood Education and Resource Center, will consist of a Director, technology transfer specialists from State and Private Forestry, the Forestry Sciences Laboratory in Princeton, West Virginia, and any other organizational unit of the Department of Agriculture as the Secretary deems appropriate. The overall management of the Institute will be the responsibility of the Forest Service, State and Private Forestry.

(d) The Secretary is hereby and hereafter authorized to generate revenue using the authorities provided herein. Any revenue received as part of the operation of the Institute shall be deposited into a special fund in the Treasury of

the United States, known as the ''Hardwood Technology Transfer and Applied Research Fund'', which shall be available to the Secretary until expended, without further appropriation, in furtherance of the purposes of this section, including upkeep, management, and operation of the Institute and the payment of salaries and expenses.

(e) There are hereby and hereafter authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 333. No timber in Region 10 of the Forest Service shall be advertised for sale which, when using domestic Alaska western red cedar selling values and manufacturing costs, fails to provide at least 60 percent of normal profit and risk of the appraised timber, except at the written request by a prospective bidder. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2000, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan which provides greater than 60 percent of normal profit and risk at the time of the sale advertisement, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States based on values in the Pacific Northwest as determined by the Forest Service and stated in the timber sale contract. Should Region 10 sell, in fiscal year 2000, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan meeting the 60 percent of normal profit and risk standard at the time of sale advertisement, the volume of western red cedar timber available to domestic processors at rates specified in the timber sale contract in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 334. For fiscal year 2000, with respect to inventorying, monitoring, or surveying requirements for planning or management activities on Federal land, the Secretary of Agriculture may comply with part 219 of volume 36 of the Code of Federal Regulations and a land and resource management plan, and the Secretary of the Interior may comply with a resource management plan by using currently available scientific data concerning any fish, wildlife, or plants not subject to the Endangered Species Act, and by considering the availability of habitat suitable for the particular species: Provided, That the Secretaries may at their discretion determine whether additional species population surveys should also be collected: Provided further, That a project subject to the Northwest Forest Plan for which the record of decision was signed by an agency official prior to the date of the enactment of this Act may, at the discretion of the Secretaries, be deemed to be implemented on the date the decision was signed.

SEC. 335. The Secretary of Agriculture and the Secretary of the Interior shall:

(1) prepare the report required of them by section 323(a) of the Fiscal Year 1998 Interior and Related Agencies Appropriations Act (Public Law 105–83; 111 Stat. 1543, 1596–7);

(2) distribute the report and make such report available for public comment for a minimum of 120 days; and

(3) include detailed responses to the public comment in any final environmental impact statement associated with the Interior Columbia Basin Ecosystem Management Project.

SEC. 336. 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.

SEC. 337. (a) MILLSITES OPINION.—No funds shall be expended by the Department of the Interior or the Department of Agriculture, for fiscal years 2000 and 2001, to limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to any patent application grandfathered pursuant to section 113 of the Department of the Interior and Related Agencies, Appropriations Act, 1995; any operation or property for which a plan of operations has been previously approved; or any operation or property for which a plan of operations has been submitted to the Bureau of Land Management or Forest Service prior to May 21, 1999.

(b) NO RATIFICATION.—Nothing in this Act or the Emergency Supplemental Act of 1999 shall be construed as an explicit or tacit adoption, ratification, endorsement or approval of the opinion dated November 7, 1997, by the solicitor of the Department of the Interior concerning millsites.

SEC. 338. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2000 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 339. PILOT PROGRAM OF CHARGES AND FEES FOR HARVEST OF FOREST BOTANICAL PRODUCTS. (a) DEFINITION OF FOREST BOTANICAL PRODUCT.—For purposes of this section, the term ''forest botanical product'' means any naturally occurring mushrooms, fungi, flowers, seeds, roots, bark, leaves, and other vegetation (or portion thereof) that grow on National Forest System lands. The term does not include trees, except as provided in regulations issued under this section by the Secretary of Agriculture.

(b) RECOVERY OF FAIR MARKET VALUE FOR PRODUCTS.—The Secretary of Agriculture shall develop and implement a pilot program to charge and collect not less than the fair market value for forest botanical products harvested on National Forest System lands. The Secretary shall establish appraisal methods and bidding procedures to ensure that the amounts collected for forest botanical products are not less than fair market value.

(c) FEES.—

(1) IMPOSITION AND COLLECTION.—Under the pilot program, the Secretary of Agriculture shall also charge and collect fees from persons who harvest forest botanical products on National Forest System lands to recover all costs to the Department of Agriculture associated with the granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.

(2) SECURITY.—The Secretary may require a person assessed a fee under this subsection to provide security to ensure that the Secretary receives the fees imposed under this subsection from the person.

(d) SUSTAINABLE HARVEST LEVELS FOR FOREST BOTANICAL PRODUCTS.—The Secretary of Agriculture shall conduct appropriate analyses to determine whether and how the harvest of forest botanical products on National Forest System lands can be conducted on a sustainable basis. The Secretary may not permit under the pilot program the harvest of forest botanical products at levels in excess of sustainable harvest levels, as defined pursuant to the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.). The Secretary shall establish procedures and timeframes to monitor and revise the harvest levels established for forest botanical products.

(e) WAIVER AUTHORITY.—

(1) PERSONAL USE.—The Secretary of Agriculture shall establish a personal use harvest level for each forest botanical product, and the harvest of a forest botanical product below that level by a person for personal use shall not be subject to charges and fees under subsections (b) and (c).

(2) OTHER EXCEPTIONS.—The Secretary may also waive the application of subsection (b) or (c) pursuant to such regulations as the Secretary may prescribe.

(f) DEPOSIT AND USE OF FUNDS.—

(1) DEPOSIT.—Funds collected under the pilot program in accordance with subsections (b) and (c) shall be deposited into a special account in the Treasury of the United States.

(2) FUNDS AVAILABLE.—Funds deposited into the special account in accordance with paragraph (1) in excess of the amounts collected for forest botanical products during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture under paragraph (3) without further appropriation, and shall remain available for expenditure until the date specified in subsection (h)(2).

(3) AUTHORIZED USES.—The funds made available under paragraph (2) shall be expended at units of the National Forest System in proportion to the charges and fees collected at that unit under the pilot program to pay for—

(A) in the case of funds collected under subsection (b), the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, and for restoration activities, including any necessary vegetation; and

(B) in the case of fees collected under subsection (c), the costs described in paragraph (1) of such subsection.

(4) TREATMENT OF FEES.—Funds collected under subsections (b) and (c) shall not be taken into account for the purposes of the following laws:

(A) The sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (16

U.S.C. 500) and section 13 of the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 500).

(B) The fourteenth paragraph under the heading ''FOREST SERVICE'' in the Act of March 4, 1913 (16 U.S.C. 501).

(C) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

(D) The Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.).

(E) Section 6 of the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869–4).

(F) Chapter 69 of title 31, United States Code.

(G) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s).

(H) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a).

(I) Any other provision of law relating to revenue allocation.

(g) REPORTING REQUIREMENTS.—As soon as practicable after the end of each fiscal year in which the Secretary of Agriculture collects charges and fees under subsections (b) and (c) or expends funds from the special account under subsection (f), the Secretary shall submit to the Congress a report summarizing the activities of the Secretary under the pilot program, including the funds generated under subsections (b) and (c), the expenses incurred to carry out the pilot program, and the expenditures made from the special account during that fiscal year.

(h) DURATION OF PILOT PROGRAM.—

(1) CHARGES AND FEES.—The Secretary of Agriculture may collect charges and fees under the authority of subsections (b) and (c) only during fiscal years 2000 through 2004.

(2) USE OF SPECIAL ACCOUNT.—The Secretary may make expenditures from the special account under subsection (f) until September 30 of the fiscal year following the last fiscal year specified in paragraph (1). After that date, amounts remaining in the special account shall be transferred to the general fund of the Treasury.

SEC. 340. Title III, section 3001 of Public Law 106–31 is amended by inserting after ''Alabama,'' the following: ''in fiscal year 1999 or 2000''.

SEC. 341. (a) The authority to enter into stewardship contracting demonstration pilot projects provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional nine projects in Region One.

(b) Section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby amended—

(1) in subsection (a)—

(A) by inserting '', via agreement or contract as appropriate,'' before ''may enter into''; and

(B) by striking ''(28) contracts with private persons and'' and inserting ''(28) stewardship contracting demonstration pilot projects with private persons or other public or private'';

(2) in subsection (b), by striking ''contract'' and inserting ''project'';

(3) in subsection (c)—

(A) in the heading, by inserting ''Agreements or'' before ''Contracts'';

(B) in paragraph (1)—

(i) by striking ''a contract'' and inserting ''an agreement or contract''; and

(ii) by striking ''private contracts'' and inserting ''private agreements or contracts'';

(C) in paragraph (3), by inserting ''agreement or'' before ''contracts''; and

(D) in paragraph (4), by inserting ''agreement or'' before ''contracts'';

(4) in subsection (d)—

(A) in paragraph (1), by striking ''a contract'' and inserting ''an agreement or contract''; and

(B) in paragraph (2), by striking ''a contract'' and inserting ''an agreement or contract''; and

(5) in subsection (g)—

(A) in the first sentence by striking ''contract'' and inserting ''pilot project''; and

(B) in the last sentence—

(i) by inserting ''agreements or'' before ''contracts''; and

(ii) by inserting ''agreements or'' before ''contract''.

SEC. 342. Notwithstanding section 343 of Public Law 105–83, increases in recreation residence fees shall be implemented in fiscal year 2000 only to the extent that the fiscal year 2000 fees do not exceed the fiscal year 1999 fee by more than $2,000.

SEC. 343. Federal monies appropriated for the purchase of land or interests in land by the United States Forest Service (''Forest Service'') in the Columbia River Gorge National Scenic Area (''CRGNSA'') shall be used by the Forest Service in compliance with the acquisition protocol set out in this section.

(a)(1) ACQUISITIONS.—The Secretary of Agriculture (''the Secretary'') is directed to make every reasonable effort to acquire on or before March 15, 2000, pursuant to his existing authority, land acquisition projects which the Forest Service has determined to have been delayed for a significant time or which have not yet been completed despite past direction through report language from either the House or Senate Appropriations Committee (''the Committees'').

(2) For the purposes of appraising the value of the lands or interests in land the Forest Service may, at its discretion, apply the standard found in A–10 of the Uniform Standards of Appraisal for Federal Land Acquisitions as required by Public Law 91–646, as amended, even if the lands or interests in land were purchased by the current title holder subsequent to the enactment of the Columbia River Gorge National Scenic Area Act (Public Law 99–663) and before the effective date of this Act.

(b) REPORT TO CONGRESS.—On or before February 15, 2000, the Secretary shall submit to the Senate and House Appropriations Committees a report detailing the status of the potential land acquisitions referenced above as well as any other pending purchases of land or interests in land in the CRGNSA. If any of the lands or interests in land referenced above have not been acquired by February 15, 2000, the report should detail the specific issue or issues preventing the acquisition or acquisitions from being completed.

(c) MEDIATION.—If the Secretary's report, as described in subsection (b) details issues other than disagreement over fair market value which are preventing acquisitions from occurring, the Secretary is directed to immediately make available to the prospective seller or sellers non-binding mediation in an attempt to resolve these non-fair market value issues. The Secretary shall submit to the Committees a report on the status of any mediation on or before April 15, 2000. The Secretary and prospective seller may mediate any disagreement over fair market value if both the Secretary and prospective seller agree mediation has the potential to resolve the fair market value disagreement.

(d) ARBITRATION REQUIREMENT.—Any issues concerning differences between the Secretary and the owners of the land or interest in land referenced in subsection (a)(1) over the fair market value of these lands or interests in land not resolved before April 15, 2000, shall be resolved using the arbitration process set out in subsections (e) through (g) of this section.

(e) SELECTION OF ARBITRATION PANEL.—On or before April 15, 2000, the Secretary and the prospective seller each shall designate one arbitrator, and instruct these two arbitrator designees to appoint before May 1, 2000, a third arbitrator upon whom the arbitrator designees mutually agree. At least two of the three arbitrators shall be State certified appraisers possessing qualifications consistent with State regulatory requirements that meet the intent of title XI, Financial Institutions Reform, Recovery and Enforcement Act of 1989, shall not be employed by the United States of America, the prospective seller, or the prospective seller's current or former legal counsel. The third arbitrator shall be a member in good standing of either the bars of Washington or Oregon and shall not be employed by the United States of America, the prospective seller, or the prospective seller's current or former legal counsel. Total compensation for the arbitration panel shall not exceed $15,000.

(f) WRITTEN MATERIAL.—The Secretary and prospective seller each may submit a maximum of 20 pages of argument to the arbitration panel, in a format consistent with the format for submitting written arguments established by the Ninth Circuit Court of Appeals. Exhibits, affidavit, or declarations shall not be submitted. No other written material may be submitted to the arbitration panel except a copy of this legislation and copies of qualified appraisals. The term ''qualified appraisals'' shall be limited to appraisals prepared by State-certified appraisers possessing qualifications consistent with the State regulatory requirements that meet the intent of title XI, Financial Institutions Reform, Recovery and Enforcement Act of 1989, and complying with the Uniform Appraisal Standards for Federal Land Acquisitions, which were submitted to the Secretary or prepared at the direction of the Secretary either prior to the effective date of this legislation or between the effective date and February 15, 2000. The Secretary and the prospective seller may submit no more than one qualified appraisal each to the arbitration panel. Neither the Secretary nor the prospective seller may submit to the arbitration panel any qualified appraisal not provided to the Secretary or the prospective seller on or before February 15, 2000. All written materials must be submitted to the arbitration panel on or before May 15, 2000.

(g) DECISION OF THE ARBITRATION PANEL.—On or before July 15, 2000, the arbitration panel shall convey to the prospective seller and the Secretary one of the following findings: (1) that neither qualified appraisal complies with Public Law 91–646 and with the Uniform Appraisal Standards for Federal Land Acquisition (1992); or (2) that at least one of the qualified appraisals complies with Public Law 91–646 and with the Uniform Appraisal Standards for Federal Land Acquisitions (1992), together with an advisory decision recommending an amount the Secretary should offer the prospective seller for his or her interest in real property. Upon receipt of a recommendation by the arbitration panel, the Secretary shall immediately notify the prospective seller and the CRGNSA of the day the recommendation was received. The Secretary shall make a determination to adopt or reject the arbitration panel's advisory decision and notify the prospective seller and the CRGNSA of his determination within 45 days of receipt of the advisory decision. If at least one of the appraisals complies with Public Law 91–646, and with the Uniform Appraisal Standards for Federal Land Acquisition, the arbitration panel shall also make an advisory finding on what portion of the arbitration panel's fees should be paid by the Secretary and what portion of the arbitration panel's fees should be paid by the prospective seller. The arbitration panel is authorized to recommend these fees be borne entirely by either the Secretary or the prospective seller.

(h) ADMISSIBILITY.—Neither the fact that arbitration pursuant to this section has occurred nor the recommendation of the arbitration panel shall be admissible in any court or administrative hearing.

(i) EXPIRATION DATE.—This section shall remain in effect without respect to fiscal year limitations and expire on December 31, 2000.

SEC. 344. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 345. NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES ECONOMIC DIVERSIFICATION. (a) FINDINGS AND PURPOSES.—Section 2373 of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6611) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''national forests'' and inserting ''National Forest System land'';

(B) in paragraph (4), by striking ''the national forests'' and inserting ''National Forest System land'';

(C) in paragraph (5), by striking ''forest resources'' and inserting ''natural resources''; and

(D) in paragraph (6), by striking ''national forest resources'' and inserting ''National Forest System land resources''; and

(2) in subsection (b)(1)—

(A) by striking ''national forests'' and inserting ''National Forest System land''; and

(B) by striking ''forest resources'' and inserting ''natural resources''.

(b) DEFINITIONS.—Section 2374(1) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6612(1)) is amended by striking ''forestry'' and inserting ''natural resources''.

(c) RURAL FORESTRY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.—Section 2375(b) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6613(b)) is amended—

(1) in the first sentence, by striking ''forestry'' and inserting ''natural resources''; and

(2) in the second and third sentences, by striking ''national forest resources'' and inserting ''National Forest System land resources''.

(d) ACTION PLAN IMPLEMENTATION.—Section 2376(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6614(a)) is amended—

(1) by striking ''forest resources'' and inserting ''natural resources''; and

(2) by striking ''national forest resources'' and inserting ''National Forest System land resources''.

(e) TRAINING AND EDUCATION.—Paragraphs (3) and (4) of section 2377(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6615(a)) are amended by striking ''national forest resources'' and inserting ''National Forest System land resources''.

(f) LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.—Paragraphs (2) and (3) of section 2378(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6616(a)) are amended by striking ''national forest resources'' and inserting ''National Forest System land resources''.

SEC. 346. INTERSTATE 90 LAND EXCHANGE. (a) Section 604(a) of the Interstate 90 Land Exchange Act of 1998 (Public Law 105–277; 112 Stat. 2681–326 (1998)) is hereby amended by adding at the end of the first sentence: ''except title to offered lands and interests in lands described in subparagraphs (Q), (R), (S), and (T) of section 605(c)(2) must be placed in escrow by Plum Creek, according to terms and conditions acceptable to the Secretary and Plum Creek, for a 3-year period beginning on the later of the date of the enactment of this Act or consummation of the exchange. During the period the lands are held in escrow, Plum Creek shall not undertake any activities on these lands, except for fire suppression and road maintenance, without the approval of the Secretary, which shall not be unreasonably withheld''.

(b) Section 604(b) of the Interstate 90 Land Exchange Act of 1998 (Public Law 105–277; 112 Stat. 2681–326 (1998)) is hereby amended by inserting after ''offered land'' the following: ''as provided in section 604(a), and placement in escrow of acceptable title to the offered lands described in subparagraphs (Q), (R), (S), and (T) of section 605(c)(2)''.

(c) Section 604(b) is further amended by adding the following at the end of the first sentence: ''except Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, and Township 21 North, Range 14 East, W.M., W½W½ of Section 16, which shall be retained by the United States''. The appraisal approved by the Secretary of Agriculture on July 14, 1999 (the ''Appraisal'') shall be adjusted by subtracting the values determined for Township 19 North, Range 10 East, W.M., Section 4 and Township 20 North, Range 10 East, W.M., Section 32 during the Appraisal process in the context of the whole estate to be conveyed.

(d) After adjustment of the Appraisal, the values of the offered and selected lands, including the offered lands held in escrow, shall be equalized as provided in section 605(c) except that the Secretary also may equalize values through the following, including any combination thereof—

(1) conveyance of any other lands under the jurisdiction of the Secretary acceptable to Plum Creek and the Secretary after compliance with all applicable Federal environmental and other laws; and

(2) to the extent sufficient acceptable lands are not available pursuant to paragraph (1) of this subsection, cash payments as and to the extent funds become available through appropriations, private sources, or, if necessary, by reprogramming.

(e) The Secretary shall promptly seek to identify lands acceptable for conveyance to equalize values under paragraph (1) of subsection (d) and shall, not later than May 1, 2000, provide a report to the Congress outlining the results of such efforts.

(f) As funds or lands are provided to Plum Creek by the Secretary, Plum Creek shall release to the United States deeds for lands and interests in land held in escrow based on the values determined during the Appraisal process in the context of the whole estate to be conveyed. Deeds shall be released for lands and interests in lands in the exact reverse order listed in section 605(c)(2).

(g) Section 606(d) is hereby amended to read as follows: ''the Secretary and Plum Creek shall make the adjustments directed in section 604(b) and consummate the land exchange within 30 days of the enactment of the Interstate 90 Land Exchange Amendment, unless the Secretary and Plum Creek mutually agree to extend the consummation date''.

SEC. 347. THE SNOQUALMIE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1999. (a) IN GENERAL.—The boundary of the Snoqualmie National Forest is hereby adjusted as generally depicted on a map entitled ''Snoqualmie National Forest 1999 Boundary Adjustment'' dated June 30, 1999. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia. Nothing in this subsection shall limit the authority of the Secretary of Agriculture to adjust the boundary pursuant to section 11 of the Weeks Law of March 1, 1911.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundary of the Snoqualmie National Forest, as adjusted by subsection (a), shall be considered to be the boundary of the Forest as of January 1, 1965.

SEC. 348. Section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e));''.

SEC. 349. None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order No. 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof.

SEC. 350. None of the funds made available by this Act may be used for the physical relocation of grizzly bears into the Selway-Bitterroot Wilderness of Idaho and Montana.

SEC. 351. YOUTH CONSERVATION CORPS AND RELATED PARTNERSHIPS. (a) Notwithstanding any other provision of this Act, there shall be available for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by Public Law 91–378, or related partnerships with non-Federal youth conservation corps or entities such as the Student Conservation Association, up to $1,000,000 of the funds available to the Bureau of Land Management under this Act, in order to increase the number of summer jobs available for youths, ages 15 through 22, on Federal lands.

(b) Within 6 months after the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall jointly submit a report to the House and Senate Committees on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that includes the following—

(1) the number of youths, ages 15 through 22, employed during the summer of 1999, and the number estimated to be employed during the summer of 2000, through the Youth Conservation Corps, the Public Land Corps, or a related partnership with a State, local or nonprofit youth conservation corps or other entities such as the Student Conservation Association;

(2) a description of the different types of work accomplished by youths during the summer of 1999;

(3) identification of any problems that prevent or limit the use of the Youth Conservation Corps, the Public Land Corps, or related partnerships to accomplish projects described in subsection (a);

(4) recommendations to improve the use and effectiveness of partnerships described in subsection (a); and

(5) an analysis of the maintenance backlog that identifies the types of projects that the Youth Conservation Corps, the Public Land Corps, or related partnerships are qualified to complete.

SEC. 352. (a) NORTH PACIFIC RESEARCH BOARD.—Section 401 of Public Law 105–83 is amended as follows:

(1) In subsection (c)—

(A) by striking ''available for appropriation, to the extent provided in the subsequent appropriations Acts,'' and inserting ''made available'';

(B) by inserting ''To the extent provided in the subsequent appropriations Acts,'' at the beginning of paragraph (1);

(C) by inserting ''without further appropriation'' after ''20 percent of such amounts shall be made available''; and

(2) by striking subsection (f).

SEC. 353. None of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack's Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of the enactment of this Act): Provided, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

SEC. 354. Public Law 105–83, the Department of the Interior and Related Agencies Appropriations Act of November 17, 1997, title III, section 331 is hereby amended by adding before the period: '': Provided further, That to carryout the provisions of this section, the Bureau of Land Management and the Forest Service may establish Transfer Appropriation Accounts (also known as allocation accounts) as needed''.

SEC. 355. WHITE RIVER NATIONAL FOREST.—The Forest Service shall extend the public comment period on the White River National Forest plan revision for 90 days beyond February 9, 2000.

SEC. 356. The first section of Public Law 99–215 (99 Stat. 1724), as amended by section 597 of the Water Resources Development Act of 1999 (Public Law 106–53), is further amended—

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

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

''(c) The National Capital Planning Commission shall vacate and terminate an Easement and Declaration of Covenants, dated February 2, 1989, conveyed by the owner of the adjacent real property pursuant to subsection (b)(1)(D) in exchange for, and not later than 30 days after, the vacation and termination of the Deed of Easement, dated January 4, 1989, conveyed by the Maryland National Capital Park and Planning Commission pursuant to subsection (b)(1).

''(d) Effective on the date of the enactment of this subsection, the memorandum of May 7, 1985, and any amendments thereto, shall terminate.''.

SEC. 357. (a) The Secretary of the Interior, as part of the President's budget submittal for fiscal year 2001, shall include a detailed plan for implementing the recommendations of the National Academy of Sciences/National Research Council's study entitled ''Hardrock Mining on Federal Lands'', including information on the levels of funding and personnel utilized to administer the existing hardrock mining environmental and reclamation regulations of the Bureau of Land Management in fiscal years 1999 and 2000, as well as recommended appropriations for fiscal year 2001 and thereafter to achieve the improvements in the implementation of those regulations recommended by the study. The Secretary's plan shall also include proposed legislation deemed necessary to implement any of the study's recommendations including proposals addressing: (1) statutory authorities for Federal land managing agencies to issue administrative penalties for violations of their regulatory requirements, subject to appropriate due process; and (2) appropriate modifications to existing environmental laws to allow and promote the cleanup of abandoned mine sites in or adjacent to new mine areas.

(b) None of the funds in this Act may be used by the Secretary of the Interior to promulgate final rules to revise 43 CFR subpart 3809, or to finalize the accompanying draft environmental impact statement.

TITLE IV—MISSISSIPPI NATIONAL FOREST IMPROVEMENT ACT OF 1999

SEC. 401. SHORT TITLE.

This title may be cited as the ''Mississippi National Forest Improvement Act of 1999''.

SEC. 402. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term ''Agreement'' means the Agreement described in section 405(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) STATE.—The term ''State'' means the State of Mississippi.

(4) UNIVERSITY.—The term ''University'' means the University of Mississippi.

(5) UNIVERSITY LAND.—The term ''University land'' means land described in section 404(a).

SEC. 403. CONVEYANCE OF ADMINISTRATIVE SITES AND SMALL PARCELS.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following tracts of land in the State:

(1) Gulfport Laboratory Site, consisting of approximately 10 acres, as depicted on the map entitled ''Gulfport Laboratory Site, May 21, 1998''.

(2) Raleigh Dwelling Site No. 1, consisting of approximately 0.44 acre, as depicted on the map entitled ''Raleigh Dwelling Site No. 1, May 21, 1998''.

(3) Raleigh Dwelling Site No. 2, consisting of approximately 0.47 acre, as depicted on the map entitled ''Raleigh Dwelling Site No. 2, May 21, 1998''.

(4) Rolling Fork Dwelling Site, consisting of approximately 0.303 acre, as depicted on the map entitled ''Rolling Fork Dwelling Site, May 21, 1998''.

(5) Gloster Dwelling Site, consisting of approximately 0.55 acre, as depicted on the map entitled ''Gloster Dwelling Site, May 21, 1998''.

(6) Gloster Office Site, consisting of approximately 1.00 acre, as depicted on the map entitled ''Gloster Office Site, May 21, 1998''.

(7) Gloster Work Center Site, consisting of approximately 2.00 acres, as depicted on the map entitled ''Gloster Work Center Site, May 21, 1998''.

(8) Holly Springs Dwelling Site, consisting of approximately 0.31 acre, as depicted on the map entitled ''Holly Springs Dwelling Site, May 21, 1998''.

(9) Isolated parcels of National Forest land located in Township 5 South, Ranges 12 and 13 West, and in Township 3 North, Range 12 West, sections 23, 33, and 34, St. Stephens Meridian.

(10) Isolated parcels of National Forest land acquired after the date of the enactment of this Act from the University of Mississippi located in George and Jackson Counties.

(11) Approximately 20 acres of National Forest land and structures located in Township 6 North, Range 3 East, Section 30, Washington Meridian.

(b) CONSIDERATION.—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(e) SOLICITATION OF OFFERS.—

(1) IN GENERAL.—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under subsection (a) in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'').

(g) USE OF PROCEEDS.—Funds deposited under subsection (f) shall be available until expended for—

(1) the construction of a research laboratory and office facility at the Forest Service administrative site located at the Mississippi State University at Starkville, Mississippi;

(2) the acquisition, construction, or improvement of administrative facilities in connection with units of the National Forest System in the State; and

(3) the acquisition of land and interests in land for units of the National Forest System in the State.

SEC. 404. DE SOTO NATIONAL FOREST ADDITION.

(a) ACQUISITION.—The Secretary may acquire for fair market value all right, title, and interest in land owned by the University of Mississippi within or near the boundaries of the De Soto National Forest in Stone, George, and Jackson Counties, Mississippi, comprising approximately 22,700 acres.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the De Soto National Forest shall be modified as depicted on the map entitled ''De Soto National Forest Boundary Modification—April, 1999'' to include any acquisition of University land under this section.

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia.

(3) ALLOCATION OF MONEYS FOR FEDERAL PURPOSES.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the De Soto National Forest, as modified by this subsection, shall be considered the boundaries of the De Soto National Forest as of January 1, 1965.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall assume possession and all management responsibilities for University land acquired under this section on the date of acquisition.

(2) COOPERATIVE MANAGEMENT AGREEMENT.—For the fiscal year containing the date of the enactment of this Act and each of the four fiscal years thereafter, the Secretary may enter into a cooperative agreement with the University that

provides for Forest Service management of any University land acquired, or planned to be acquired, under this section.

(3) ADMINISTRATION.—University land acquired under this section shall be—

(A) subject to the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the ''Weeks Act'') and other laws (including regulations) pertaining to the National Forest System; and

(B) managed in a manner that is consistent with the land and resource management plan applicable to the De Soto National Forest on the date of the enactment of this Act, until the plan is revised in accordance with the regularly scheduled process for revision.

SEC. 405. FRANKLIN COUNTY LAND.

(a) IN GENERAL.—The Agreement dated April 24, 1999, entered into between the Secretary, the State, and the Franklin County School Board that provides for the Federal acquisition of land owned by the State for the construction of the Franklin Lake Dam in Franklin County, Mississippi, is ratified and the parties to the Agreement are authorized to implement the terms of the Agreement.

(b) FEDERAL GRANT.—

(1) IN GENERAL.—Subject to reservations and exceptions contained in the Agreement, there is granted and quit claimed to the State all right, title, and interest of the United States in the federally-owned land described in Exhibit A to the Agreement.

(2) MANAGEMENT.—The land granted to the State under the Agreement shall be managed as school land grants.

(c) ACQUISITION OF STATE LAND.—

(1) IN GENERAL.—All right, title, and interest in and to the 655.94 acres of land described as Exhibit B to the Agreement is vested in the United States along with the right of immediate possession by the Secretary.

(2) COMPENSATION.—Compensation owed to the State and the Franklin County School Board for the land described in paragraph (1) shall be provided in accordance with the Agreement.

(d) CORRECTION OF DESCRIPTIONS.—The Secretary and the Secretary of State of the State may, by joint modification of the Agreement, make minor corrections to the descriptions of the land described on Exhibits A and B to the Agreement.

(e) SECURITY INTEREST.—

(1) IN GENERAL.—Any cash equalization indebtedness owed to the United States pursuant to the Agreement shall be secured only by the timber on the granted land described in Exhibit A of the Agreement.

(2) LOSS OF SECURITY.—The United States shall have no recourse against the State or the Franklin County School Board as the result of the loss of the security described in paragraph (1) due to fire, insects, natural disaster, or other circumstance beyond the control of the State or Board.

(3) RELEASE OF LIENS.—On payment of cash equalization as required by the Agreement, the Secretary (or the Supervisor of the National Forests in the State or other authorized representative of the Secretary) shall release any liens on the granted land described in Exhibit A of the Agreement.

SEC. 406. DISPOSITION OF FUNDS FROM LAND CONVEYANCES.

(a) IN GENERAL.—The Secretary shall deposit any funds received by the United States from land conveyances authorized under section 405 in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the ''Sisk Act'').

(b) USE.—Funds deposited in the fund under subsection (a) shall be available until expended for the acquisition of land and interests in land for the National Forest System in the State.

(c) PARTIAL DISTRIBUTION.—Any funds received by the United States from land conveyances authorized under this Act shall not be subject to partial distribution to the State under—

(1) the Act entitled ''An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine'', approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500);

(2) section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500); or

(3) any other law.

SEC. 407. PHOTOGRAPHIC REPRODUCTIONS AND MAPS.

Section 387 of the Act of February 16, 1938 (7 U.S.C. 1387) is amended in the first sentence—

(1) by striking ''such'' the first place it appears and inserting ''information such as georeferenced data from all sources,'';

(2) by striking ''(not less than estimated cost of furnishing such reproductions)''; and

(3) by inserting after ''determine'' the following: ''(but not less than the estimated costs of data processing, updating, revising, reformatting, repackaging and furnishing the reproductions and information)''.

SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

TITLE V—UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND

SEC. 501. Notwithstanding any other provision of law, an amount of $68,000,000 in interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) for fiscal years 1993 through 1995 not transferred to the Combined Fund identified in section 402(h)(2) of such Act shall be transferred to such Combined Fund within 30 days after the enactment of this Act to pay the amount of any shortfall in any premium account for any plan year under the Combined Fund. The entire amount transferred by this section 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.

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

And the Senate agree to the same.

RALPH REGULA,
JIM KOLBE,
JOE SKEEN,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, JR.,
ZACH WAMP,
JACK KINGSTON,
JOHN E. PETERSON,
BILL YOUNG,
JOHN P. MURTHA
Except for NEA funding. Sec. 337 (millsites) and Sec. 357 (hard rock mining),
Managers on the Part of the House.

SLADE GORTON,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
CONRAD BURNS,
R. F. BENNETT,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
ROBERT C. BYRD,
PATRICK J. LEAHY,
ERNEST HOLLINGS,
HARRY REID,
BYRON L. DORGAN,
HERB KOHL,
DIANNE FEINSTEIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2466), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2466 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 106–222 or Senate Report 106–99 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

ALLOCATION OF CONGRESSIONAL FUNDING PRIORITIES

The managers direct that when Congressional instructions are provided these instructions are to be closely monitored and followed. In this and future years, the managers direct that earmarks for Congressional funding priorities shall be allocated for those projects or programs prior to determining and allocating the remaining funds. Field units or programs should not have their allocations reduced because of earmarks for Congressional priorities without direction from or approval of the House and Senate Committees on Appropriations. Further, the managers note that it is a Congressional responsibility to determine the level of funds provided for Federal agencies and how those funds should be distributed. It is not useful or productive to have Administration officials refer to Congressional directives as condescending and encroaching on executive responsibility to direct agency operations.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $644,218,000 for management of lands and resources instead of $631,068,000 as proposed by the House and $634,321,000 as proposed by the Senate.

Increases above the House include $2,500,000 for grazing permits, $1,500,000 for invasive species, $750,000 for Idaho weed control, $50,000 for Rio Puerco, $1,000,000 for the Colorado plateau ecosystem study, $500,000 for the national laboratory grazing study, $400,000 for fisheries, $900,000 for salmon restoration on the Yukon River and Caribou-Poker Creek, $1,330,000 for recreation resource management, $400,000 for the National Petroleum Reserve-Alaska, $4,400,000 for Alaska Conveyance, $300,000 for the Utah wilderness study, $350,000 for the Montana mapping project, and a $1,000,000 restoration of the general decrease.

Decreases below the House include $500,000 from standards and guidelines, $400,000 from wildlife, and $1,330,000 from recreation operations.

In addition to the increase of $2,500,000 as proposed by the House and provided by the

managers for the processing of permits for coalbed methane activities, the managers have included bill language that makes the use of some of the Bureau's funds contingent upon a written agreement between the coal mine operator and the gas producer prior to permit issuance if the permitted activity is in an area where there is a conflict between coal mining operations and coalbed methane production. This restrictive language only applies to the additional $2,500,000.

The managers have agreed to earmark $750,000 for the Couer d'Alene Basin Commission for mining related cleanup activities with the clear understanding that funding will be provided only on a one-time basis.

The Senate bill calls for a report by USDA's Forest Service dealing with integration of watershed and community needs. The managers direct that this report be a joint Forest Service and Bureau of Land Management report as stated on page 75 of Senate Report 106–99.

The managers are concerned that the Bureau appears to be introducing new burdensome and questionable requirements on domestic oil and gas applications for permits to drill, and directs the Bureau to cease requiring companies to apply paint to ground that will be disturbed by drilling activities.

The managers concur with the Senate report language providing guidance on the Southern Nevada Public Lands Management Act as stated in Senate Report 106–99.

The managers have maintained the funding level for Kane and Garfield counties at the fiscal year 1999 level of $250,000.

The managers have modified bill language in Title III as proposed by the Senate to allow the Bureau to use up to $1,000,000 for the Youth Conservation Corps.

The managers have agreed to the Interior Columbia Basin Ecosystem Management Project bill language as proposed by the House. This language is included under Title III General Provisions, section 335.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $292,282,000 for wildland fire management instead of $292,399,000 as proposed by the House and $283,805,000 as proposed by the Senate.

Changes to the House include an increase of $57,500 to reimburse Trinity County for expenses incurred as part of the July 2, 1999, Lowden fire, and a decrease of $175,000 as an offset against the Weber Dam project.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $10,000,000 for the central hazardous materials fund as proposed by the House and Senate.

CONSTRUCTION

The conference agreement provides $11,425,000 for construction instead of $11,100,000 as proposed by the House and $12,418,000 as proposed by the Senate.

Increases above the House include $50,000 for the La Puebla pit tank, $250,000 for the California Trail Interpretive Center, and $25,000 for uncontrollable costs.

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $135,000,000 for payments in lieu of taxes as proposed by the Senate instead of $145,000,000 as proposed by the House.

LAND ACQUISITION

The conference agreement provides $15,500,000 for land acquisition instead of $15,000,000 as proposed by the House and $17,400,000 as proposed by the Senate. Funds should be distributed as follows:

State and project	*Amount*
CA—California Wilderness (Catellus property)	$5,000,000
AZ—Cerbat Foothills	500,000
UT—Grafton Preservation	250,000
NM—La Cienega ACEC	1,000,000
CA—Otay Mts./Kuchamaa	750,000
WA—Rock Cr. Watershed (Escure Ranch)	500,000
CA—Santa Rosa Mts. NSA	500,000
CO—Upper Arkansas River Basin	2,500,000
ID—Upper Snake/S. Fork Snake River	500,000
OR—West Eugene Wetlands	500,000
Subtotal	12,000,000
Emergency/Hardships/ Inholdings	500,000
Acquisition Management	3,000,000
Total	15,500,000

The $250,000 provided for Grafton, Utah is for acquisition of a 30–acre portion of the 220–acre Stout property. The 30 acres are foothill land adjacent to BLM managed public land and are appropriate for BLM acquisition. The managers understand that the Grafton Heritage Project and the Grand Canyon Trust will be responsible for acquisition and management of the balance of the Stout property.

The managers agree to provide $5,000,000 to the National Park Service (NPS) and $5,000,000 to the Bureau of Land Management (BLM) for land acquisition within the California desert. This funding is based on the understanding that the Wildlands Conservancy will acquire 8,000 additional acres, in consultation with the NPS and BLM, from willing seller and small private inholdings within Joshua Tree National Park and the Mojave National Preserve within the next year.

The managers agree that no additional funds will be provided for Catellus land acquisition in future years unless and until the Department of the Interior and the Department of Defense resolve remaining issues relating to desert tortoise mitigation and land acquisition and expansion at the National Training Center for the Army at Fort Irwin, California.

Futhermore, the managers will consider an additional $20,000,000 for California desert land acquisition of the Catellus lands up to a total of $30,000,000. Future funding decisions will be based upon progress made by the two departments on desert tortoise mitigation and land acquisition and expansion at the National Training Center for the Army of Fort Irwin.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $99,225,000 for Oregon and California grant lands as proposed by the House and Senate.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by the House and Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures which is estimated to be $8,800,000 as proposed by the House and Senate.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $7,700,000 for miscellaneous trust funds as proposed by the House and Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $716,046,000 for resource management instead of $710,700,000 as proposed by the House and $684,569,000 as proposed by the Senate.

Changes to the House position in endangered species programs include an increase of $100,000 in candidate conservation and a decrease of $300,000 in listing. The managers have agreed to increases of $100,000 for the Broughton Ranch demonstration project and $300,000 for a coldwater fish HCP in Montana and a decrease of $300,000 for other program activities in consultation. Also included are increases of $3,857,000 for Washington salmon recovery, $500,000 for the Bruneau hot springs snail, $400,000 for the Prebles meadow jumping mouse, $1,500,000 for small landowner partnerships, and $200,000 for a Weber Dam study, and a decrease of $1,100,000 for other program activities in recovery. The managers have agreed to a decrease of $1,500,000 for the small landowner incentive program.

Changes to the House position in habitat conservation include increases of $250,000 for Hawaii ESA community conservation and $150,000 for Nevada biodiversity and decreases of $200,000 for the Washington State Department of Fish and Wildlife grant program and $500,000 for other program activities in the partners for fish and wildlife program. The managers have agreed to a decrease of $500,000 for FERC relicensing in project planning; an increase of $193,000 for Long Live the Kings and a decrease of $300,000 for other program activities in the coastal program; and a decrease of $500,000 for the National wetlands inventory.

For refuge operations and maintenance changes to the House position include an increase of $200,000 for Spartina grass research at the University of Washington and decreases of $250,000 for coral reefs, $500,000 for the Volunteer and Community Partnership Act, a net decrease of $250,000 for tundra to tropics, leaving $250,000 specifically for Hawaii ecosystems and $1,000,000 for other program activities in refuges operations. There is also a decrease of $500,000 for refuge maintenance. For law enforcement there is a decrease from the House position of $500,000 for operations. In migratory bird management there is an increase over the House position of $400,000 for Canada geese depredation, including dusky Canada geese, and a decrease of $400,000 for other program activities.

Changes to the House position for hatchery operations and maintenance include increases of $200,000 for White Sulphur Springs NFH, $500,000 for other hatchery operations and maintenance, and $3,600,000 for Washington State Hatchery Improvement as discussed below. Changes to the House position for the fish and wildlife management account include increases of $200,000 for Yukon River fisheries management studies, $100,000 for Yukon River Salmon Treaty public education programs, $110,000 for Caribou-Poker Creek salmon passage assistance, $1,018,000 for fish passage improvements in Maine, $600,000 for a prototype machine to mark hatchery reared salmon at the Washington Department of Fish and Wildlife, $400,000 for Great Lakes fish and wildlife restoration, and $368,000 for a fisheries resource project in cooperation with the Juniata Valley School District in Alexandria, PA. The managers have agreed to a decrease of $300,000 for Atlantic salmon recovery.

Changes to the House position in general administration include an increase of $200,000 for the National Conservation Training Center and decreases in international affairs of $700,000 for CITES permits and invasive species, $100,000 for the Russia initiative and $150,000 for neotropical migrants. There is also a decrease of $250,000 for the National Fish and Wildlife Foundation.

Bill Language.—The managers agree to the following changes to the House passed bill. The amount of funding for certain endangered species listing programs may not exceed $6,232,000 instead of $6,532,000 as proposed by the House and $5,932,000 as proposed by the Senate.

The managers have made permanent the authority provided in the Senate bill for National Wildlife Refuges in Louisiana and Texas to retain funds collected from oil and gas related damages under the Comprehensive Environmental Response, Compensation and Liability Act, the Oil Pollution Act and the Clean Water Act. The Senate provision extended the authority only through fiscal year 2000. The House had no similar provision.

Under General Provisions, Department of the Interior, the managers have modified Senate Section 127 limiting the use of funds to implement Secretarial Order 3206. The modification permits implementation of the order except for two provisions. The first would give preferential treatment to Indian activities at the expense of non-Indian activities in determining conservation restrictions to species listed under the Endangered Species Act. The second would give preferential treatment to tribal lands at the expense of other privately owned lands in designating critical habitat under the Endangered Species Act. The House had no similar provision.

The managers agree to the following:

1. The Service should continue to support the Nez Perce Tribe's wolf monitoring efforts. The managers understand that this program has been very successful and believe it should be continued at least at the funding level provided in fiscal year 1999.

2. Small landowner partnerships under the ESA recovery program are not transferred to the landowner incentive program as proposed by the House, but the Service should consider seriously consolidating these programs in the fiscal year 2001 budget.

3. The $200,000 for a Weber Dam Study should be used by the Service, through a contract or memorandum of understanding with the Bureau of Reclamation, to (1) investigate alternatives to the modification of Weber Dam on the Walker River Paiute Reservation in Nevada; (2) evaluate the feasibility and effectiveness of the installation of a fish ladder at Weber Dam; and (3) evaluate opportunities for Lahontan cutthroat trout restoration in the Walker River Basin. Any future funding requirements identified for program implementation should not be the responsibility of the U.S. Fish and Wildlife Service.

4. The $600,000 provided to assist with the Tongass Land Management Plan is included with the understanding that the State of Alaska should receive assistance as a partner.

5. The Long Live the Kings salmon program is funded at $393,000 in the coastal program, and $171,500 of that amount is to be provided directly to the Hood Canal Salmon Enhancement Group.

6. The managers are concerned about the continuing unmet maintenance needs at Ohio River Islands National Wildlife Refuge that have not been addressed adequately in Service budget requests and direct the Service to ensure that: (1) the Refuge's maintenance requirements are fully included by Region 9 in the Maintenance Management System and (2) future budget requests include sufficient funding for the Ohio River Islands National Wildlife Refuge to cover adequately its growing maintenance needs.

7. The funding provided for Caribou-Poker Creek salmon restoration is for one-time fish passage assistance by the Service. Any future operations and maintenance costs associated with this project should not be borne by the Service.

8. The funding for fish passage improvements in Maine, related to removal of Edwards Dam, is provided on a one-time basis to help address a first-year shortfall in funding for fish passage assistance and restoration as anticipated by the Lower Kennebec River Comprehensive Hydropower Settlement Accord, of which the Service is a partner. The Service, as a partner in the Accord, should consider its responsibilities under the Accord as it prepares future budget requests.

9. The funding provided for the Washington Department of Fish and Wildlife for a prototype machine to mark hatchery reared salmon completes the Federal funding for this project.

10. The strategic plan required by the House for dealing with over-populations of snow geese and Canada geese should consider lethal means, including hunting, as possible solutions.

11. The managers are concerned by the Service's failure to gather the necessary information to delist the concho water snake. Before distributing the ESA recovery program increase, the Service should provide $300,000 for the activities required to process the delisting of the concho water snake. The managers expect the Service to proceed as quickly as possible, with the goal of gathering the necessary information within one year or as soon thereafter as possible.

12. The managers have received several expressions of concern about uncooperative responses from the Carlsbad ecological services office in California. The Service should report to the House and Senate Committees on Appropriations on actions taken to improve communications between that office and State and local agencies and the public. Such actions should not involve increases in operational funding.

13. The increase provided for the coastal program is not limited to any particular coastal areas. The Senate reference to South Carolina and Texas is not intended to limit increased funding to those areas. The managers also commend the Maine coastal program.

14. Within the funds provided for resource management, the Service should set aside $500,000 for the Blackwater NWR, MD nutria eradication program. The managers do not object to the use of carryover funds for a portion of this earmark. This program should serve as a prototype for nutria eradication throughout the country. The Service should notify the House and Senate Committees on Appropriations of what funds will be used for this program within 30 days of enactment of this Act and prior to distribution of program increases to the field. Sufficient funds should be included in the fiscal year 2001 budget request to complete this important project, the cost of which is being shared by several non-Federal partners.

15. The managers are aware that the Fish and Wildlife Service designated critical habitat for the cactus ferruginous pygmy-owl on July 12, 1999, and are concerned with the impact this designation will have on activities in southern Arizona. The managers expect the Service to devote the necessary resources to respond adequately and efficiently to the needs of the people who are affected by this new rule and to conduct appropriate scientific studies.

16. In 1997 Congress requested the Northwest Power Planning Council to conduct a review of all Federally funded fish hatcheries in the Columbia River Basin and to make recommendations for a coordinated hatchery policy. Congress also requested the Council to provide the direction necessary to implement such a policy. The Council's report, ''Artificial Production Review, Report and Recommendations of the Northwest Power Planning Council,'' identifies several immediate actions to begin implementation of its recommendations. The managers direct the Service to cooperate with the Council, the National Marine Fisheries Service, State fish and wildlife agencies, and the Columbia Basin Indian tribes to begin implementing the report's recommendations. The managers expect the Service to begin identifying the amount needed for these reforms and to request initial funds in its FY 2001 budget.

17. The $100,000 provided in the ESA consultation account for the Broughton Ranch should be provided as a grant to the Washington Agriculture and Forestry Education Foundation for a demonstration project on the Broughton Ranch in Walla Walla, Washington. This project should serve as a template for how small private landowners can establish habitat conservation plans in cooperation with Federal agencies.

18. To conserve and restore Pacific salmon, the managers have included $3,857,000 in the recovery program for a competitively awarded matching grant program in Washington State. The managers intend that the funds be provided in an advance payment of the entire amount on October 1, or as soon as practicable thereafter, to the National Fish and Wildlife Foundation, a Congressionally chartered, non-profit organization with a substantial record of leveraging Federal funds with non-Federal funds, coordinating private and public partnerships, managing peer reviewed challenge grant programs, and tracking the expenditure of funds. The funds will be available for award to community-based organizations in Washington State for on-the-ground projects that may include conservation and restoration of in-stream habitat, riparian zones, upland areas, wetlands, and fish passage projects. Within the amount provided, $451,000 is for the River CPR Puget Sound Drain Guard Campaign. The managers also expect the Foundation to work with the affected local community in the Methow Valley in Okanogan County, Washington, on salmon enhancement projects. The Foundation should give priority in awarding funds to cooperative projects in rural communities throughout the State.

19. The funding for Washington State hatchery improvement activities is to support this new program as follows: The $3,600,000 provided for hatchery reform in Washington State should be deposited with the Washington State Interagency Council for Outdoor Recreation. The director of the Interagency Council for Outdoor Recreation shall ensure these funds are expended as specified in the report of May 7, 1999, titled ''The Reform of Salmon and Steelhead Hatcheries in Puget Sound and Coastal Washington to Recover Natural Stocks While Providing Fisheries'', and at the direction of the Hatchery Scientific Review Group (as discussed below).

Funds should be used for the improvement of hatcheries in the Puget Sound area and other coastal communities as follows: (1) $300,000 for activities associated with the Hatchery Scientific Review Group which will work with agencies to produce guidelines and recommended actions and ensure that the goals of hatchery reform are carried out, identify scientific needs, and make recommendations on further experimentation;

(2) $800,000 for agencies and tribes to establish a team of scientists to generate and maintain data bases, analyze existing data, determine and undertake needed experiments, purchase scientific equipment, develop technical support infrastructures, initiate changes to the hatcheries based on their findings and establish a science-based decision making process; (3) $1,400,000 to improve hatchery management practices to augment fisheries, protect genetic resources, avoid negative ecological interactions between wild and hatchery fish, promote recovery of naturally spawning populations, and employ new rearing protocols to improve survival and operational efficiencies; (4) $900,000 to conduct scientific research evaluating hatchery management operations; and (5) $200,000 to Long Live the Kings to facilitate co-managers' design and implementation of Puget Sound hatchery reform.

The managers recognize that a leading group of scientists representing Federal, State, and tribal agencies has been meeting for the past year to discuss the role of fish hatcheries in the Pacific Northwest. The listing of over 10 salmon species in the Columbia River over the past decade and the most recent the listing of 3 salmon species in other parts of the State have led many in the Northwest to question and challenge the role of fish hatcheries in the recovery of the listed wild salmon stocks.

The managers believe hatcheries can play a positive role in salmon management and the recovery of wild salmon stocks. Scientists are testing ways hatcheries can be retrofitted and managed to provide hatchery stocks to maintain a vibrant fishery in the Pacific Northwest without significantly impacting precious wild stocks.

The managers commend the efforts of the advisory team that has established a framework designed to guide an effort to reform more than 100 State, tribal, Federal, and private hatcheries in Puget Sound and the Washington coast. Many watersheds on the west coast of Washington have multiple hatcheries run by different agencies and tribes. Hatchery operations must be coordinated within logical geographical management units. There must be a coordinated effort among all levels of government to obtain the positive results expected by hatchery management reform. The managers believe the framework outlined by the advisory committee should be implemented at hatcheries in Puget Sound and the west coast of Washington.

There is to be established a Hatchery Scientific Review Group which will serve as an independent panel. It should be comprised of five independent scientists selected by the advisory team from a pool of nine candidates nominated by the American Fisheries Society and four agency representatives; one each designated by the Washington Department of Fish and Wildlife, the Northwest Indian Fisheries Commission, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Each of these designees should have technical skills in relevant fields such as fish biology or fish genetics. All appointments should be made no later than 30 days after enactment of this Act. The members of the group may be compensated for time and travel through this appropriation. The chair of the Hatchery Scientific Review Group should be one of the independent scientists chosen from the American Fisheries Society nominations and should be selected by the group itself. Hereafter, when an independent scientist on the group steps down, a replacement should be selected by the group from a list of three nominees provided by the American Fisheries Society.

The Hatchery Scientific Review Group should report to Congress by June 1, 2000, on progress made and work remaining in reforming Puget Sound hatcheries. Long Live the Kings should report to Congress by June 1, 2000, on its progress.

CONSTRUCTION

The conference agreement provides $54,583,000 for construction instead of $43,933,000 as proposed by the House and $40,434,000 as proposed by the Senate. Funds are to be distributed as follows:

Project	Description	Amount
6 National Fish Hatcheries in New England	Water treatment improvements	$1,803,000
Alaska Maritime NWR, AK	Headquarters/visitor center	7,900,000
Alchesay/Williams Creek NFH, AZ	Environmental pollution control	373,000
Bear River NWR, UT	Dikes/water control structures	450,000
Bear River NWR, UT	Education/visitor center	1,500,000
Brazoria NWR, TX	Replace Walker Bridge	277,000
Canaan Valley NWR, WV	Repair office/visitor center	150,000
Chase Lake NWR, ND	Construct vehicle shop	625,000
Chincoteague NWR, VA	Headquarters/visitor center	1,000,000
Cross Creeks NWR, TN	5 bridges/water control structures	1,500,000
Dexter NFH, NM	Irrigation wells	524,000
Genoa NFH, WI	Water supply system	1,717,000
Hagerman NFH, ID	Replace main hatchery building	1,000,000
Hatchie NWR,TN	Log Landing Slough Bridge	284,000
Hatchie NWR,TN	Loop Road/Bear Creek Bridge	367,000
Havasu NWR, AZ	Replace/rehabilitate 3 bridges	409,000
J.N. Ding Darling NWR, FL	Construction of exhibits	750,000
Lake Thibadeau NWR, MT	Lake Thibadeau diversion dam	250,000
Little White Salmon NFH, WA	Replace upper raceways	3,990,000
Mattamuskeet NWR, NC	Structural columns in Lodge	600,000
Mattamuskeet NWR, NC	Refuge sewage system	400,000
McKinney Lake NFH, NC	Dam safety construction	600,000
Natchitoches NFH, LA	Aeration & electrical system	750,000
National Eagle & Wildlife Repository, CO	Eagle processing laboratory	176,000
National Eagle & Wildlife Repository, CO	Storage units	65,000
Necedah NWR, WI	Rynearson #2 dam	3,440,000
Neosho NFH, MO	Rehabilitate deficient pond	450,000
NFW Forensics Laboratory, OR	Forensics laboratory expansion	500,000
Parker River NWR, MA	Headquarters complex	2,130,000
Salt Plains NWR, OK	Wilson's Pond Bridge	74,000
San Bernard NWR, TX	Woods Road Bridge	75,000
Seney NWR, MI	Replace water control structure	1,450,000
Sevilleta NWR, NM	Replace office/visitor building	927,000
Silvio O. Conte NWR, VT	Education center	1,500,000
Smith Island NWR, MD	Restoration	450,000
St. Marks NWR, FL	Otter Lake public use facilities	200,000
St. Vincent NWR, FL	Repair/Replace support facilities	556,000
Tern Island, NWR, HI	Rehabilitate seawall	1,800,000
Tishomingo NFH, OK	Pennington Creek Footbridge	44,000
Tishomingo NWR, OK	Replace/rehabilitate 2 bridges	54,000
Upper Mississippi River NWR, IA	Construction & exhibits	1,200,000
White River NFH, VT	Replace roof/modify structures	600,000
White Sulphur Springs NFH, WV	Fingerling tanks and raceways	95,000
Wichita Mountains WR, OK	Road rehabilitation	1,564,000
Wichita Mountains WR, OK	Replace/rehabilitate 23 bridges	1,537,000
Subtotal		46,106,000
Servicewide bridge safety inspections		495,000
Servicewide dam safety inspections		545,000
Construction management		7,437,000
Total		54,583,000

Bill Language.—The managers have agreed to bill language proposed by the Senate authorizing a single procurement for construction of the headquarters and visitors center at the Alaska Maritime NWR.

The managers agree to the following:

1. The funding provided for construction of the headquarters and visitors center at Alaska Maritime NWR completes the Federal funding for this project by the Fish and Wildlife Service.

2. The funding for the education center at the Silvio O. Conte NWR, VT is provided with the understanding that the Federal commitment will not exceed $2,900,000 and that the cost share will be substantially more than 50 percent.

3. Funding for the Tern Island seawall is provided with the understanding that the total cost of the project will not exceed $12,000,000 and that project initiation will be

delayed until appropriated funding is sufficient to provide for uninterrupted construction. Such an approach will avoid costly shut down and start up costs associated with piecemeal construction in this remote location. The managers are disappointed that the Fish and Wildlife Service's efforts to obtain logistical support from the Navy have been, so far, unsuccessful. The managers encourage the Service to continue to pursue such support.

4. Funding provided for the Upper Mississippi River Discovery Center, IA represents the full Federal funding by the Fish and Wildlife Service. Within the $1,200,000 provided, $300,000 is for construction and installation of exhibits detailing the mission of the Fish and Wildlife Service and interpreting the Upper Mississippi River NWR, IA.

5. The $615,000 decrease to the House recommended level for construction management eliminates the proposed increase for seismic compliance. The managers believe seismic compliance should be incorporated into overall priorities.

6. The managers are concerned that the Service has allowed the floodgates on and around Mattamuskeet NWR, North Carolina, to deteriorate substantially over the past 15 years, thus permitting saltwater intrusion onto surrounding farmlands of Hyde County, North Carolina. This situation has been exacerbated by the recent flooding in eastern North Carolina due to hurricanes, including Hurricane Floyd. While the managers are sympathetic to the legitimate concerns of the Service with respect to water salinity and quality on the refuge, the managers expect the Service to cooperate with other water users and landowners to ensure that their interests are adequately protected.

LAND ACQUISITION

The conference agreement provides $50,513,000 in new land acquisition funds and a reprogramming of $8,000,000 in prior year funds instead of $42,000,000 as proposed by the House and $56,444,000 as proposed by the Senate. Funds should be distributed as follows:

State and project	*Amount*
SC—ACE Basin NWR	$500,000
LA—Atchafalaya River (LA Black Bear)	1,000,000
TX—Attwater Prairie Chicken NWR	1,000,000
VA—Back Bay NWR	1,000,000
TX—Balcones Canyonlands NWR	1,500,000
LA—Black Bayou NWR	3,000,000
MD—Blackwater NWR	500,000
NE—Boyer Chute NWR	1,000,000
AZ—Buenos Aires NWR (Leslie Canyon)	1,500,000
WV—Canaan Valley NWR	500,000
KY—Clarks River NWR	500,000
IL—Cypress Creek NWR	750,000
CA—Don Edwards SF Bay NWR	1,678,000
NJ—E.B. Forsythe NWR	800,000
AL—Grand Bay NWR	1,000,000
MA—Great Meadows NWR	500,000
NJ—Great Swamp NWR	500,000
FL—J.N. Ding Darling NWR	4,000,000
NH—Lake Umbagog NWR	2,750,000
TX—Lower Rio Grande NWR	2,000,000
ME—Moosehorn NWR	1,000,000
IA—Neal Smith NWR	500,000
WA—Nisqually NWR (Black River)	850,000
ND—North Dakota Prairie NWR	500,000
MN/IA—Northern Tallgrass Prairie Project	500,000
HI—Oahu Forest (proposed NWR)	1,000,000
WV—Ohio River Islands NWR	400,000
OR—Oregon Coast NWR Complex	500,000
IN—Patoka River NWR	500,000
FL—Pelican Island NWR	2,000,000
ME—Petit Manan NWR	250,000
ME—Rachel Carson NWR	750,000
VA—Rappahannock River Valley NWR	1,100,000
MT—Red Rock NWR (Centennial Valley)	1,000,000
RI—Rhode Island Refuge Complex	500,000
CA—San Diego NWR	3,100,000
MI—Shiawassee NWR	835,000
CT—Stewart McKinney NWR (Calves Island)	2,000,000
CT—Stewart McKinney NWR (Great Meadow)	500,000
TX—Trinity River NWR	500,000
SC—Waccamaw NWR	1,500,000
NJ—Wallkill NWR	750,000
MT—Western Montana Project	1,000,000
Reprogram FY99 Funds (Palmyra)	−8,000,000
Subtotal	39,513,000
Emergencies/hardships	1,000,000
Inholdings	750,000
Exchanges	750,000
Acquisition management	8,500,000
Total	50,513,000

The managers have reprogrammed the $8,000,000 allocated in fiscal year 1999 for the acquisition of Palmyra Atoll because the non-Federal matching funds essential to purchase the property are not available at this time. The managers recognize the unique biological value of this tropical habitat and will provide funding in the future should the non-Federal share be secured.

The managers have conducted a preliminary review of the Federal land management agencies' definition of acquisition management costs. These initial findings indicate that the U.S. Fish and Wildlife Service is out of sync with the other agencies and the managers are concerned about several issues, including the fact that only 65 percent of the acquisition management staff of the Service is accounted for in its acquisition management account, and that other costs are being assessed against the individual projects such as 10 percent third party costs. The other agencies do not consider such costs. The managers direct the Department to prepare a complete analysis of land acquisition costs, which includes the Forest Service program, and report to the Committees no later than March 15, 2000, with recommendations for standardizing the situation.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides $16,000,000 for the cooperative endangered species conservation fund instead of $15,000,000 as proposed by the House and $21,480,000 as proposed by the Senate. The increase above the House is for habitat conservation planning land acquisition. Bill language is included, as proposed by the Senate, to ensure that these funds are derived from the cooperative endangered species conservation fund.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $10,779,000 for the national wildlife refuge fund as proposed by the House instead of $10,000,000 as proposed by the Senate.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $15,000,000 for the North American wetlands conservation fund as proposed by both the House and the Senate.

WILDLIFE CONSERVATION AND APPRECIATION FUND

The conference agreement provides $800,000 for the wildlife conservation and appreciation fund as proposed by both the House and the Senate.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $2,400,000 for the multinational species conservation fund as proposed by the Senate instead of $2,000,000 as proposed by the House.

COMMERCIAL SALMON FISHERY CAPACITY REDUCTIONS

The conference agreement provides $5,000,000 for the Federal share of a salmon fishery capacity reduction program. The managers expect that these funds will be given as a grant to the State of Washington Department of Fish and Wildlife and will be used to reimburse commercial fishermen for forfeiting their commercial fishing licenses for Fraser River Sockeye. The program will support the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada.

The conference agreement provides $1,365,059,000 for operation of the National park system instead of $1,387,307,000 as proposed by the House and $1,355,176,000 as proposed by the Senate. The agreement provides $255,399,000 for Resources Stewardship instead of $265,114,000 as proposed by the House and $247,905,000 as proposed by the Senate. Changes to the House level include decreases of $6,915,000 for special need parks, $500,000 to natural resources preservation, $500,000 to native and exotic species, $500,000 to inventory and monitoring, $500,000 to cultural resources preservation, elimination of $500,000 for the new resource protection act initiative, and a $300,000 decrease for collections management. Despite these reductions from the House position, the managers have still provided significant funding for the new science data initiative, as well as increases above the budget request for special need parks and increases to both cultural resource preservation and collections management above current year funding levels. The amount provided does not include funds specifically for the Civil War initiative as proposed by the Senate.

The conference agreement provides $318,970,000 for Visitor Services instead of $320,558,000 as proposed by the House and $317,806,000 as proposed by the Senate. Changes to the House level include a $3,908,000 decrease to special need parks and an increase of $2,320,000 for anti-terrorism base costs.

The conference agreement provides $432,923,000 for Maintenance instead of $442,881,000 as proposed by the House and $432,081,000 as proposed by the Senate. Changes to the House level include decreases of $4,458,000 to special need parks, $3,000,000 for cyclic maintenance and $2,500,000 for repair and rehabilitation. Therefore, the managers have provided a $1,000,000 increase for cyclic maintenance and a $2,500,000 increase for repair and rehabilitation above the current year funding levels.

The conference agreement provides $248,482,000 for park support instead of $248,895,000 as proposed by the House and $248,099,000 as proposed by the Senate.

Changes to the House level include an increase of $137,000 for special need parks, a decrease of $250,000 for partners for parks, a decrease of $500,000 for the challenge cost share program and an increase of $200,000 for cooperative agreements on the Lamprey Wild and Scenic River.

The conference agreement provides $109,285,000 for external administrative costs as proposed by the Senate instead of $109,859,000 as proposed by the House. Changes to the House level include a decrease of $800,000 for GSA space and an increase of $226,000 for electronic acquisition system.

The managers have not approved the initiation of any special resource studies in this bill, as the National Parks Omnibus Management Act of 1998 requires that such studies be specifically authorized.

The managers note the success of the bear management program at Yosemite National Park and encourage the Park Service to continue this worthwhile effort.

The managers have not provided an earmark for the Kawerak Eskimo Heritage Program within the funds provided for Beringia as proposed by the Senate.

The managers wish to reaffirm that beneficial uses at the Lake Roosevelt National Recreation Area include historical and traditional agriculture, grazing, recreation and cultural uses pursuant to a permit issued by the Service. Pursuant to the Lake Roosevelt National Recreation Area's new general management plan, existing and past historical use, and community moorage/public access facilities permitted by the Service at the Area may remain permitted under Service authority until it is determined by the Service that the permitted facility or activity is in conflict with a new or expanded concession facility. At such time the Service may choose to terminate that specific permit.

The managers recognize that Civil War battlefields throughout the country hold great significance and provide vital historic educational opportunities for millions of Americans. The managers are concerned, however, about the isolated existence of these Civil War battle sites in that they are often not placed in the proper historical context.

The Service does an outstanding job of documenting and describing the particular battle at any given site, but in the public displays and multi-media presentations, it does not always do a similarly good job of documenting and describing the historical social, economic, legal, cultural and political forces and events that originally led to the larger war which eventually manifested themselves in specific battles. In particular, the Civil War battlefields are often weak or missing vital information about the role that the institution of slavery played in causing the American Civil War.

The managers direct the Secretary of the Interior to encourage Civil War battle sites to recognize and include in all of their public displays and multi-media educational presentations the unique role that the institution of slavery played in causing the Civil War and its role, if any, at the individual battle sites. The managers further direct the Secretary to prepare a report by January 15, 2000, on the status of the educational information currently included at Civil War sites that are consistent with and reflect this concern.

The managers continue to express concern over the unsafe conditions at the intersection of Routes 29 and 234 in Manassas National Battlefield, in Prince William County, Virginia which remain hazardous to local residents and visitors traveling through the intersection. The managers recognize that safety concerns at Routes 29 and 234 have been a long-standing problem for the local communities. The managers strongly encourage the National Park Service and the Virginia Department of Transportation to finalize plans to allow for construction to begin by March, 2000.

The managers have not provided funding as proposed in the budget request for full implementation of a new maintenance management system. The managers have provided approval for the Service to pursue a pilot demonstration program for a new facility management system, and understand that base funds will be applied toward this effort during fiscal year 2000. The managers expect the Service to provide an update on the results of the pilot program before proceeding with service-wide implementation.

The managers continue to monitor closely the Recreation Fee Demonstration program authorized in fiscal year 1996, particularly the National Park Service portion because of the size of that particular program. It is the managers' clear intent that all expenditures of National Park Service Recreation Fee Demonstration funds be submitted to the House and Senate Committees on Appropriations for approval prior to any obligation of funds. This includes both the 80 percent projects and the 20 percent projects.

The managers are aware of proposals to address needs in parks through the pursuit of non-Federal sponsors. The managers have been, and continue to be, supportive of partnerships that further the Service's mission. The managers also understand the need for a certain degree of flexibility in order to respond to private philanthropic opportunities. However, the managers reiterate that partnerships should be linked to the accomplishment of service-wide goals and not pursued strictly for enhancing park infrastructure.

The managers do not intend that partnership arrangements, including those where no Federal funds are involved, be viewed as a way to bypass compliance with or adherence to existing policies, procedures, and approval requirements. Partnerships that benefit NPS sites or programs must have active involvement by NPS managers, and should be subject to the same review and approval requirements as projects funded with NPS funds. Review by the Development Advisory Board is expected for all partnership donation projects with a total cost above $500,000. While some projects may be proposed to be accomplished without any Federal funds, the operation and maintenance requirements are frequently assumed to be the responsibility of the Service, and for this reason the managers expect full review before commitments are made.

The managers are aware of concerns raised over the use and occupancy program at the C&O Canal National Historical Park, MD. The managers direct the park to proceed promptly with a revision of its land protection plan. This plan revision should address protection and land management needs in the Potomac Fish and Game Club and the Western Maryland Sportsman's Club tracts, considering all options including fee acquisition, easement acquisition, and appropriate development controls. The potential for exchanges should be evaluated including exchange possibilities to acquire the privately held tract adjacent to the White's Ferry Sportman's Club.

Within the amounts provided, not less than $500,000 is for maintenance activities at Isle Royale National Park to address infrastructure and visitor facility deterioration.

The managers direct the National Park Service to prepare a General Management Plan for the Lower East Side Tenement National Historic Site by November 2000 pursuant to section 104(c) of Public Law 105–378.

South Florida.—The managers have retained bill language in the land acquisition and state assistance account, as proposed by the House, that makes the $10,000,000 grant to the State of Florida subject to a fifty percent match of newly appropriated non-Federal funds. The State may not use funds for land acquisition which were previously provided in another fiscal year as the match. These funds are also subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades and other natural areas.

The managers have modified bill language in the land acquisition account which makes the release of the $10,000,000 State grant funds subject to the Administration submitting legislative language that will ensure a guaranteed water supply to Everglades National Park and the remaining natural system areas located in the Everglades watershed, including but not limited to Big Cypress National Preserve, Biscayne National Park, Loxahatchee National Wildlife Refuge and Water Conservation Areas 2 and 3, as well as Biscayne Bay. This language should include appropriate volume, flow, timing levels, and most importantly, water quality assurances. While there has been recent testimony by the other partners, including the Army Corps of Engineers and the Florida Water Management District, assuring the Congress that there will be adequate water supply to the natural areas, the managers want to ensure that this is high-quality water and not merely storm water runoff.

The managers have included another provision which allows for State grant funds to be released after 180 days if no agreement has been reached. This action requires approval of both the House and Senate Committees on Appropriations.

The managers believe that it would be useful to have a complete estimate of the total costs to restore the South Florida ecosystem. The managers believe that this new estimate will exceed the $7,800,000,000 estimate that has been used over the last five years. The managers expect this recalculated estimate to include all three goals of this initiative, namely, (1) getting the water right, (2) restoring and enhancing the natural habitat, and (3) transforming the built environment. The Congress and the American people are committed to this project. Over $1,300,000,000 has been appropriated to date; however, and the public deserves to know how much this project will truly cost. This information should be submitted to the Committees on Appropriations no later than February 1, 2000, and should be updated biennially.

The managers direct the Secretary of the Interior, in his capacity as Chair of the South Florida Restoration Task Force, to develop a region-wide strategic plan as recommended by the General Accounting Office. The plan should coordinate and integrate Federal and non-Federal activities necessary to achieve the three ecosystem restoration goals. The Secretary is directed to submit a progress report to the Committees on Appropriations in February, 2000, and the final strategic plan no later than July 31, 2000. This plan should be updated every two years.

The managers believe that the timely resolution of disputes regarding South Florida

ecosystem restoration is important to avoid cost overruns and unnecessary delays in attaining the goals and benefits of the initiative. The Secretary of the Interior is directed to develop recommendations for resolving the most difficult conflicts and submit recommendations to the Committees on Appropriations by February 15, 2000. These recommendations should be developed in consultation with the other major partners in this effort.

The Committees, through previous appropriations, have supported the preparation of a new General Management Plan for Gettysburg NMP to enable the NPS to more adequately interpret the Battle of Gettysburg and to preserve the artifacts and landscapes that help to tell the story of this great conflict of the Civil War. Accordingly, the managers acknowledge the need for a new visitors facility and support the proposed public-private partnership as a unique approach to the interpretive needs of our National Parks.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $53,899,000 for National recreation and preservation instead of $49,449,000 as proposed by the House and $51,451,000 as proposed by the Senate. The agreement provides $533,000 for Recreation programs, the same as the House and Senate. The agreement provides $10,090,000 for Natural programs as proposed by the House instead of $10,555,000 as proposed by the Senate. This includes a $500,000 general program increase and a $285,000 increase for hydropower relicensing. While the managers have not earmarked the River and Trails Conservation Assistance program, consideration should be given to the following projects: Mt. Independence NHL trail work, the Back to the River initiative, NE, and the Harlan County coal heritage project, KY. The managers emphasize that this is a technical assistance program, and therefore it is not meant to provide for annual operating expenses or technical assistance beyond two years.

The conference agreement provides $19,614,000 for Cultural programs instead of $19,364,000 as proposed by the House and $19,914,000 as proposed by the Senate. The changes to the House level is an increase of $250,000 for a Revolutionary War/War of 1812 Study. The managers have not provided the increase of $300,000 as proposed by the Senate for a pilot demonstration project to provide technical preservation and development assistance to non-Federal National Historic Landmarks. However, in providing funds for this core program, the managers expect that the National Park Service will provide technical assistance to non-Federal National Historic Landmarks. This is the core mission of the National Historic Landmarks program: to identify and help protect significant historic properties possessing exceptional value such as the Weston State Hospital in West Virginia.

The conference agreement provides $1,699,000 for International park affairs as proposed by the House and Senate, $373,000 for environmental and compliance review as proposed by the House and Senate and $1,819,000 for Grant administration as proposed by the House and Senate.

The conference agreement provides $6,886,000 for the heritage partnership program as proposed by the House instead of $5,886,000 as proposed by the Senate. The managers have agreed to the following disbursements of funds: $1,000,000 each for the Ohio and Erie Canal National Heritage Corridor, the Essex National Heritage Area and the Rivers of Steel National Heritage Area, $800,000 each for the Hudson Valley National Heritage Area and the South Carolina National Heritage Corridor and the balance of $1,400,000 for the other four areas. The managers have agreed to provide $886,000 for technical assistance, of which not more than $150,000 may be provided for the Service's overhead expenses and the balance of which should be made available to the heritage areas for technical assistance agreed to by both the Alliance of National Heritage Areas and the National Park Service.

The conference agreement provides $10,885,000 for Statutory or Contractual Aid instead of $4,685,000 as proposed by the House and $9,172,000 as proposed by the Senate. Funds are to be distributed as follows:

Alaska Native Cultural Center	$750,000
Aleutian World War II National Historic Area	800,000
Automobile Heritage Area	300,000
Blackstone River Corridor Heritage Commission	450,000
Brown Foundation	102,000
Chesapeake Bay Gateways	600,000
Dayton Aviation Heritage Commission	48,000
Delaware and Lehigh Navigation Canal	450,000
Ice Age National Scientific Reserve	806,000
Illinois and Michigan Canal National Heritage Corridor Commission	242,000
Johnstown Area Heritage Association	50,000
Lackawanna Heritage	450,000
Mandan On-a-Slant Village	400,000
Martin Luther King, Jr. Center ...	534,000
National Constitution Center	500,000
National First Ladies Library	300,000
Native Hawaiian culture and arts program	750,000
New Orleans Jazz Commission	67,000
Oklahoma City Memorial	866,000
Quinebaug-Shetucket National Heritage Preservation Commission	250,000
Roosevelt Campobello International Park Commission	670,000
Sewall-Belmont House	500,000
Vancouver National Historic Reserve	400,000
Wheeling National Heritage Area	600,000

The managers have agreed to provide $600,000 for a new Chesapeake Bay Gateways and Water Trails network and grants assistance program pursuant to Public Law 105–312. Of this amount, up to $200,000 is provided for completing a Chesapeake Bay Watershed-wide framework for implementing this law. The managers expect that this framework and the criteria and procedures for the proposed assistance program be completed and approved by the House and Senate Committees on Appropriations prior to providing any specific grants and technical assistance to states, communities or other groups. The remaining $400,000 will be available for competitive grants to meet the goals of the framework. As with any new initiative, the managers expect a report by April 1, 2000, on the framework goals and grants criteria and an annual end-of-year report, that details how the grants and technical assistance were allocated, the specific results of those individual grants and technical assistance and specifically how those projects relate to the framework and goals of the program.

The managers have provided on a one-time only basis $866,000 for the operation of the Oklahoma City Memorial, OK. The managers understand that there was an unexpected delay in the construction of the memorial museum, which is the planned revenue source for the memorial.

The conference agreement provides $2,000,000 for the Urban Parks and Recreation Recovery program instead of $4,000,000 as provided by the House and $1,500,000 as provided by the Senate.

The managers have included language in the bill providing authority for the retention of fees for historic preservation tax certifications. Similar language was proposed by both the House and Senate.

HISTORIC PRESERVATION FUND

The conference agreement provides $45,212,000 for the Historic preservation fund instead of $46,712,000 as proposed by the House and $72,412,000 as proposed by the Senate. Changes to the House level include decreases of $500,000 for the State Historic Preservation Offices and $1,000,000 for Historically Black Colleges and Universities. The amounts provided for each program are increases above the fiscal year 1999 levels.

The managers have also included $30,000,000 for the second and last year of the Millennium Program. These grants are subject to a fifty percent cost share and no single project may receive more than one grant from this program. The managers agree to fund the projects listed below. Additional project recommendations for funding shall be subject to formal approval of the House and Senate Appropriations Committees prior to any distribution of funds.

Project	*Amount*
Admiral Theatre (WA)	$400,000
African American Heritage Center (KY)	1,000,000
Aurora Civil War Memorial (IL)	300,000
Benjamin Franklin National Memorial (PA)	300,000
Intrepid Sea Air Space Museum (NY)	2,500,000
Mari Sandoz Cultural Center (NE)	450,000
Mark Twain House (CT)	2,000,000
McKinley Monument (OH)	100,000
Mission San Juan Capistrano (CA)	320,000
Montpelier (VA)	1,000,000
Mukai Farm and Garden (WA)	150,000
Nathaniel Orr Pioneer Home Site (WA)	250,000
National First Ladies Library—City National Bank Building (OH)	2,500,000
National Home for Disabled Volunteer Soldiers (OH)	130,000
River Heritage Museum (KY)	300,000
Saturn V Rocket, U.S. Space and Rocket Center (AL)	700,000
Sewell Building, Dinnock Center (MA)	300,000
Sitka Pioneer Home (AK) ..	150,000
St. Nicholas Cathedral (FL)	150,000
Tacoma Art Museum (WA)	600,000
Tannehill/Brierfield Ironworks Restoration Project (AL)	250,000
Thaddeus Stevens Hall at Gettysburg College (PA)	300,000
Unalaska Aerology Building (AK)	100,000
Weston State Hospital (WV)	750,000

CONSTRUCTION

The conference agreement provides $224,493,000 for construction instead of

$169,856,000 as proposed by the House and $223,153,000 as proposed by the Senate. The managers agree to the following distribution of funds:

Project	Amount
Apostle Islands NL, WI	$500,000
Assateague Island NS, MD/VA	973,000
Badlands NP, SD	1,572,000
Big Cypress N. Pres., FL	4,965,000
Black Archives (FL A&M), FL	2,800,000
Blackstone River Valley NHC, MA/RI	1,000,000
Boston NHP, MA	1,049,000
Brown v. Board of Education NHS, KS	4,300,000
Castle Clinton NM, NY	460,000
Chickasaw NRA, OK	1,275,000
Colonial NHP, VA	714,000
Crater Lake NP, OR	1,733,000
Cumberland Island NS, GA	1,400,000
Cuyahoga Valley NRA, OH	3,850,000
Dayton Aviation NHP, OH	242,000
Death Valley NP, CA	6,335,000
Delaware Water Gap NRA, NJ	500,000
Delaware Lehigh Heritage, PA	500,000
Denali NP&P, AK	3,200,000
Edison NHS, NJ	3,032,000
Everglades NP (water delivery), FL	12,000,000
Everglades NP (water treatment), FL	1,288,000
Florissant Fossil Beds NM, CO	1,131,000
Fort Stanwix NM, NY	1,100,000
Fort Sumter NM, SC	8,250,000
Gateway NRA, NJ	1,593,000
George Washington Memorial Parkway, MD	1,800,000
George Washington Memorial Parkway, VA	500,000
Gettysburg NMP, PA	1,100,000
Glacier Bay NP&P, AK	2,300,000
Golden Gate NRA, CA	1,075,000
Grand Canyon NP, AZ	779,000
Harpers Ferry NHP, WV	800,000
Hispanic Cultural Center, NM	3,000,000
Historic Preservation Training Ctr., MD	568,000
Home of FDR NHS, NY	1,400,000
Hot Springs NP, AR	1,000,000
Hovenweep NM, UT	1,000,000
Ice Age NST, WI	125,000
Indiana Dunes NL, IN	500,000
Kaloko-Honokohau NHP, HI	1,169,000
Lake Mead NRA, AZ	3,839,000
Lewis & Clark Bicentennial	500,000
Lincoln Home NHS, IL	600,000
Lincoln Library, IL	3,000,000
Missouri River NRA	200,000
Mount Rushmore NM, SD	4,568,000
Natchez Trace Parkway, MS	500,000
National Capital Region (FDR Memorial), DC	2,000,000
National Constitution Center, PA	10,000,000
National Underground R.R. Freedom Center, OH	1,000,000
New Bedford Whaling NHP, MA	800,000
New Jersey Coastal Heritage Trail, NJ	100,000
New River Gorge NR, WV	675,000
Olympic NP, WA	12,000,000
Padre Island NS, TX	823,000
Perry's Victory & IPM, OH	200,000
Salem Maritime NHS, MA	704,000
Sequoia & Kings Canyon NP, CA	5,621,000
Shiloh NMP, TN (shore erosion)	1,500,000
Shiloh NMP, MS (Corinth visitor center)	700,000
Sitka NHP, AK	3,645,000
Southwest Penn. Heritage, PA	3,000,000
Statue of Liberty & Ellis Island, NY/NJ	1,000,000
Timucuan Reserve, FL	550,000
Tonto NM, AZ	703,000
Vancouver NHR, WA	817,000
Wheeling National Heritage Area, WV	3,000,000
Wilson's Creek NB, MO	500,000
Yellowstone NP, WY	5,715,000
Yosemite NP, CA	1,850,000
Zion NP, UT	1,800,000
Subtotal, line-item projects	154,788,000
Emerg/unscheduled housing	3,500,000
Dam safety	1,440,000
Equipment replacement	18,000,000
General management plans	9,225,000
Construction planning	15,940,000
Pre-planning & supplementary	4,500,000
Construction program management	17,100,000
Total	224,493,000

The managers recommend $15,940,000 for planning, which includes the budget request of $10,195,000, as well as adjustments between the planning and line-item activities. The increases are provided for the following projects:

Chickasaw NRA	$286,000
Cuyahoga Valley NRA	150,000
Dayton Aviation Heritage NHP	186,000
Delaware Water Gap NRA	64,000
Denali NP&P (front country)	450,000
Fort Stanwix NM	250,000
Great Smoky Mountains NP	450,000
Lincoln Home NHS (Morse House)	92,000
Mammoth Cave NP (water system)	221,000
Mojave National Preserve	731,000
Mount Rainier NP:	
Paradise Visitor Center	1,400,000
Guide House	170,000
National Constitution Center	30,000
Shiloh NMP (erosion control)	360,000
Shiloh NMP (Corinth visitor center)	300,000
Timucuan Reserve (boat docks)	55,000
Washita Battlefield NHS	250,000
Vancouver NHR	100,000
Yosemite NP	200,000

Bill Language.—The managers have not included bill language as proposed by the House permitting Ellis Island to retain 100 percent of franchise fees subject to a requirement that these revenues be matched with non-Federal funds in fiscal year 2001.

The managers have earmarked $885,000 for realignment of the Denali National Park and Preserve entrance road instead of $1,100,000 as proposed by the Senate.

The managers have provided authority for the use of $2,000,000 for the FDR Memorial instead of $3,500,000 as proposed by the Senate. The Service is directed to modify the scope of the project to accomplish the same goal of providing an appropriate space for the privately funded new sculpture.

The managers have not earmarked funds for planning and development of interpretive sites at Saint Croix Island NHS as proposed in the Senate bill. Funds for this purpose should be derived from available planning funds.

The managers have provided $500,000, subject to authorization, for studies on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail instead of $1,000,000 as proposed by the Senate.

The managers have provided $3,000,000 for the Wheeling National Heritage Area construction instead of $5,000,000 as proposed by the Senate.

The managers have included language that provides one-year authorization of funding for the Lincoln Library and the Southwest Pennsylvania Heritage Area.

The managers have included language in Title I, General Provisions providing the National Park Service with authority to obligate certain fees for transportation services at Zion National Park in advance of the receipt of such fees.

The managers have provided $4,300,000 for the Brown v. Board of Education NHS in Kansas. These funds are to complete the rehabilitation of the building and for exhibit planning. The amount provided is based on a revised estimate of obligations in fiscal year 2000.

The managers have not provided funds for rehabilitation of sewer systems at Glacier National Park. The National Park Service has determined that the existing system cannot be upgraded sufficiently to meet state standards, and that therefore a replacement system likely will be required. Due to the additional time required to redesign the project, construction funds for this project cannot be obligated in fiscal year 2000.

The managers have provided $2,300,000 for Glacier Bay National Park and Preserve in Alaska. It is the managers' intent that $1,400,000 be expended on the clean-up of contaminated soils at the site of the proposed visitor center. Another $400,000 is provided for the Secretary to enter into a memorandum of understanding with the park concessionaire to design a visitor center that will be co-managed and co-operated by the Service and the concessionaire. Design costs are to be shared equally between the Service and the concessionaire except that the concessionaire may use in-kind services, cash, or a combination of both, as its share. The facility is expected to be at least 6,500 square feet and reserve an appropriate amount of space for non-exclusive use by the Hoonah Indian Association. In 1998, Congress approved the Glacier Bay National Park Boundary Adjustment Act of 1998 (P.L. 105–317), the purpose of which was to establish a process that could lead to the construction of a hydroelectric facility to provide power to Gustavus, Alaska. The managers believe the hydroelectric project to be built and connected to the Park would protect the environment and be more consistent with the purposes of the Park than the Park's use of diesel generators for power. Accordingly, the managers intend that $500,000 be made available as a grant to Gustavus Electric Company to pay for studies required by the Act.

The managers have provided a total of $3,650,000 for Denali National Park and Preserve in Alaska. These funds are intended for the following projects: $2,015,000 for site work, $885,000 for road realignment, $175,000

for the South Denali/CIRI plan, $125,000 for wildlife inventories and $450,000 for planning for Phase I. The managers direct funding of $175,000 for the further development of plans to site National Park Service visitor services in facilities on Native lands near Talkeetna, Alaska.

The managers have not earmarked planning funds specifically for Kenai Fjords National Park. To the extent funds previously appropriated for this project are not sufficient to continue planning through fiscal year 2000, the Service should seek to provide any necessary funds from available planning funds.

The managers have provided $500,000 for the G.W. Memorial Parkway in Virginia. Of this total, $400,000 is available for a temporary alternative route at the Humpback Bridge, and $100,000 is to conduct and complete a study to extend the Mt. Vernon multi-use trail north to I–495 in Virginia.

The managers have included $1,000,000 for the National Underground Railroad Freedom Center in Cincinnati subject to a non-Federal match and the enactment of authorization.

While the managers have provided $3,000,000 in funds for a new Lincoln Library in Springfield, Illinois, $3,000,000 for Southwest Pennsylvania Heritage and $3,000,000 for construction at the Wheeling National Heritage Area in West Virginia in fiscal year 2000, any future funding for these projects will be contingent on enacted authorization.

The managers have provided a total of $500,000 for the research library administrative annex at Wilson's Creek National Battlefield Visitor Center in Missouri. This completes the federal share of this project.

The managers have provided an appropriation of $675,000 for the New River Gorge National River, West Virginia, for various construction projects. The managers are aware that $500,000 in unobligated prior year funds are available to the New River Gorge for construction and direct that these funds be added to the $675,000 in new appropriations (for a total of $1,175,000) to carry out the highest priority construction needs of the New River Gorge National River for fiscal year 2000 as identified in Senate Report 106–99.

The managers have not provided funds for unscheduled housing because the unobligated balance in this account exceeds $22,000,000. The Committees have not agreed to release these funds until the Park Service agrees on a consistent new housing policy and standard construction designs that will be used for all trailer replacement units. The Service was supposed to present a complete package to the Committees on Appropriations in September 1999. As of October 8, 1999, no such proposal had been forwarded. The managers strongly encourage the Service to submit the information to the Committees on Appropriations for approval so that these funds can be released.

The managers provide $12,000,000 for the Olympic National Park Elwha dam removal project. Within the funds provided, the National Park Service is directed to use up to $5,500,000 to plan and design water supply mitigation measures for the City of Port Angeles. The National Park Service shall report final recommendations to the House and Senate Appropriations Committees no later than September 30, 2000. The Park Service shall also reimburse the City for current and future sunk costs reasonably incurred in studying and preparing water supply mitigation options associated with removing the Elwha dams up to $500,000. The managers urge the Park Service to enter into a memorandum of understanding with the City of Port Angeles and other regional stakeholders setting forth the federal government's specific obligation with regard to the design, construction, operation, and maintenance of the domestic and industrial water mitigation measures as required by the Elwha River Ecosystem and Fisheries Restoration Act of 1992. The MOU should also define the specific roles of relevant federal agencies, the City of Port Angeles, and/or other regional stakeholders in the development and operation of the necessary water mitigation measures. The managers encourage Port Angeles to pursue an appropriate share of the costs related to upgrading its water system from the Environmental Protection Agency.

The managers urge the National Park Service to acquire title to the Elwha and Glines Canyon Dams by February 29, 2000, subject to agreement between the owners and the National Park Service on the details of the transfer. Pending completion of planning, design, and engineering work for removal of the dams, the Secretary may cease power production if he determines that such production is not cost effective.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The conference agreement rescinds the contract authority provided for fiscal year 2000 by 16 U.S.C. 4601–10a as proposed by both the House and the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

The conference agreement provides $120,700,000 for land acquisition including stateside grants instead of $132,000,000 as proposed by the House and $107,725,000 as proposed by the Senate. Funds should be distributed as follows:

State and Project	*Amount*
MD—Antietam NB	$2,000,000
WI—Apostle Islands NL	250,000
FL—Big Cypress N Pres	11,300,000
FL—Biscayne NP	600,000
MA—Boston Harbor Islands NRA	2,000,000
PA—Brandywine Battlefield	500,000
MA—Cape Cod NS	500,000
MD—Chesapeake and Ohio Canal NHP	800,000
OH—Cuyahoga Valley NRA	1,000,000
WA—Ebey's Landing NH Res	1,000,000
FL—Everglades NP	20,000,000
VA—Fredericksburg and Spotsylvania NMP	2,000,000
WV—Gauley River NRA	750,000
PA—Gettysburg NMP	1,600,000
FL—Grant to State of FL	10,000,000
HI—Haleakala NP	1,500,000
HI—Hawaii Volcanoes NP	1,500,000
WI—Ice Age National Scenic Trail	2,000,000
IN—Indiana Dunes NL	1,200,000
MI—Keweenaw NHP	1,700,000
VA—Manassas NB	400,000
CA—Mojave NP&P (Catellus property)	5,000,000
MD—Monocacy NB	500,000
WV—New River Gorge NR	250,000
WI—North Country NST	500,000
PA—Paoli Battlefield	1,250,000
NM—Pecos NHP	1,800,000
NM—Petroglyph NP	3,000,000
AZ—Saguaro NP	2,800,000
CA—Santa Monica NRA	2,000,000
TN—Stones River NB	1,500,000
VI—Virgin Islands NP (St. John's)	1,000,000
GU—War in the Pacific NHP	500,000
CT—Weir Farm NHS	2,000,000
SUBTOTAL	84,700,000
Emergencies/hardships	3,000,000
Inholdings and Exchanges	2,000,000
Acq. Management	10,000,000
Stateside Land Acquisition Grants	20,000,000
State Grants Administration	1,000,000
Total	120,700,000

The conference agreement provides $2,000,000 to purchase the final island as part of the Boston Harbor Islands National Recreation Area in Massachusetts. The release of these funds is contingent upon a $3,000,000 match by the Commonwealth of Massachusetts. These funds are subject to authorization.

The managers agree to provide $5,000,000 to the National Park Service (NPS) and $5,000,000 to the Bureau of Land Management (BLM) for land acquisition within the California desert. This funding is based on the understanding that the Wildlands Conservancy will acquire 8,000 additional acres, in consultation with the NPS and BLM, from willing sellers and small private inholdings within Joshua Tree National Park and the Mojave National Preserve during the next year.

The managers agree that no additional funds will be provided for Catellus land acquisition in future years unless and until the Department of Interior (DOI) and Department of Defense (DOD) resolve remaining issues relating to desert tortoise mitigation and land acquisition and expansion at the National Training Center for the Army at Fort Irwin in California.

Furthermore, the managers will consider an additional $20,000,000 for California desert land acquisition up to a total of $30,000,000. Future funding decisions will be based upon progress made by DOI and DOD on desert tortoise mitigation and land acquisition and expansion at the National Training Center for the Army at Fort Irwin.

The conference agreement provides $2,000,000 for land purchases at the Fredericksburg-Spotsylvania National Military Park in Virginia. The managers are concerned that nearly $2,000,000 in previously appropriated funds have not been obligated. The managers strongly urge the Park to obligate fully the funds provided in fiscal years 1999 and 2000. Future funding will not be provided until these funds are expended.

The managers have provided an additional $1,600,000 for the Gettysburg National Military Park in Pennsylvania. This amount together with the $4,500,000 in unobligated balances from prior fiscal years will complete the purchase of the Brown Ranch and provide for the acquisition of the Tower. The managers understand that the Tower was appraised at $3,000,000.

The managers agree to the following: Lands shall not be acquired for more than the provided appraised value (as addressed in section 301(3) of Public Law 91–646) except for condemnations and declarations of taking and tracts with an appraised value of $50,000 or less, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with established procedures.

The managers have included funds for Paoli and Brandywine Battlefields contingent upon authorization and a fifty percent non-Federal match.

The managers have provided the full $31,900,000 to complete the land acquisition needs of the Everglades National Park, Biscayne National Park and Big Cypress National Preserve. Also provided is $10,000,000 for grants to Florida which are subject to a fifty percent match of newly appropriated non-Federal funds. The managers have adjusted the House bill language to make release of the grant funds to Florida subject to an agreement between Federal and non-Federal partners which clearly sets out a guaranteed water supply to the National Parks and other natural areas including Florida Bay.

The managers have also provided the additional $1,000,000 requested in the budget for acquisition management costs in Southern Florida but have incorporated this amount in the total acquisition management account. The managers saw no need to provide a separate line for this purpose.

The managers have provided bill language to allow the State of Wisconsin to receive grants for the purchase of lands for the Ice Age National Scenic Trail and North Country National Scenic Trail.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $823,833,000 for surveys, investigations, and research instead of $820,444,000 as proposed by the House and $813,093,000 as proposed by the Senate.

Increases above the House include $250,000 for the Hawaiian volcano program, $2,000,000 for minerals at risk, $500,000 for the Great Lakes mapping coalition project, $998,000 for watershed modeling, $100,000 for the endocrine disrupter study in the Las Vegas Wash, $500,000 for a monitoring well in Hawaii, $200,000 for a hydrologic study of Noyes Slough, $140,000 for the Southern Maryland ground water study, $180,000 for a Yukon River salmon study, $250,000 (for a total of $500,000) for repairs to the Leetown science center, and $500,000 for the Great Lakes boat restoration.

Decreases below the House include $729,000 for technological efficiencies, $500,000 for the real time hazards program in the water resources division, $500,000 for amphibian research, and $500,000 for the cooperative research units.

The managers have agreed to approve in part the Survey's proposed budget restructuring by establishing new ''science support'' and ''facilities'' budget line items. The managers support this action because it will improve the Survey's business practices and its relationship with its customers, and because these efforts represent truth in budgeting. However, the managers disallow the Survey's proposal to establish a new ''integrated science'' budget activity. The managers see the need for and importance of an integrated approach to science, but believe that establishing such a policy is primarily a management issue and not a function of the structure of the budget. The managers encourage the Director to employ the appropriate management, operational, fiscal, and programmatic means at the Director's disposal in order to achieve the goal of establishing an integrated science approach where appropriate.

Because of the severe budget constraints imposed on the appropriations process, the managers have not provided any additional funds for new programs that were proposed in this year's budget. Therefore, no funds were provided for the community information partnership initiative or for the disaster information network.

The managers strongly recommend that the Survey give priority consideration to the installation of water gages on the Alabama, Coosa, Tallapoosa, Apalachicola, Chattachoochee and Flint Rivers.

The managers have agreed to restore $3,500,000 for coastal and marine geology programs. The managers agree that a total of $1,250,000 is designated for continuation of the joint Survey-Sea Grant Consortium South Carolina/Georgia Coastal Erosion Study as outlined in the Phase II Study Plan, of which $250,000 is provided for the South Carolina coastal erosion monitoring program. Further, the managers expect the Survey to continue its other high priority coastal and marine research programs, such as major studies of the Louisiana barrier islands, wetlands, hypoxia, and Lake Ponchartrain with the remaining available funds.

The managers have provided $1,600,000 for the purchase of seismographic equipment as proposed by the House. The managers expect that these funds will be allocated as indicated in the budget estimate.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $110,682,000 for royalty and offshore minerals management as proposed by the Senate instead of $110,082,000 as proposed by the House.

The $600,000 increase above the House is for the Center for Marine Resources and the Environmental Technology program.

Within the funds provided the managers have provided $1,400,000 to the Offshore Technology Resource Center at Texas A&M University for high-priority offshore research associated with deepwater development.

OIL SPILL RESEARCH

The conference agreement provides $6,118,000 for oil spill research as proposed by both the House and the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides $95,891,000 for regulation and technology as proposed by the Senate instead of $95,693,000 as proposed by the House. Funding for the activities should follow the Senate recommendation.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $191,208,000 for the abandoned mine reclamation fund instead of $196,458,000 as proposed by the House and $185,658,000 as proposed by the Senate. The agreement provides $176,019,000 for the environmental restoration activity, an increase of $5,879,000 above the fiscal year 1999 funding level. Funding for the other activities follows the House recommendation. The managers have agreed on the House proposal to designate $300,000 for the western Pennsylvania water quality demonstration project. The managers have also agreed to authorize up to $8,000,000 for the Appalachian clean streams initiative as proposed by the House. The agreement includes the Senate proposed language allowing all funds from Title IV of the Surface Mining Control and Reclamation Act to be used as non-Federal cost shares.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,637,444,000 for the operation of Indian programs instead of $1,631,050,000 as proposed by the House and $1,633,296,000 as proposed by the Senate.

Increases above the House include $320,000 for new tribes, $1,000,000 for student transportation, $1,000,000 for fisheries enhancement, $500,000 for tribal resource management, $3,000,000 for environmental management, $10,000,000 for law enforcement, $250,000 for the Crownpoint Institute of Technology, and $600,000 for post secondary schools.

Decreases below the House include $5,000,000 for the Indian self determination fund, $100,000 for Alaska legal services, $108,000 for the United Sioux Tribe Development Corporation, $3,573,000 for probate backlog, and $1,495,000 for land records improvement.

Over the past several years, the House and Senate Committees on Appropriations and the Department of the Interior have been concerned with improving the management of the Bureau of Indian Affairs which has consistently been criticized for organizational shortcomings. During this period, a number of reforms have been put in place which were designed to improve the Bureau's effectiveness and accountability. To the Bureau's credit it has made substantial progress in addressing its management problems. However, to truly address these issues one needs an analysis of the structure of the Bureau, how its management has changed over time due to increased tribal contracting and compacting, and the lack of concurrent shifts in the Bureau's management structure to these changing circumstances. To this end, the House and Senate Appropriations Committees working with the Department of the Interior commissioned a study of the Bureau by the National Academy of Public Administration (NAPA). The NAPA study was tasked with providing recommendations for improving the quality, efficiency, and cost-effectiveness of the Bureau's operations.

The managers have received copies of the NAPA report titled, ''A Study of Management and Administration: the Bureau of Indian Affairs''. The managers believe that the report provides some excellent recommendations to improve the administrative activities of the Bureau and managerial control over the Bureau. The most startling finding of the NAPA study was that some of the basic administrative functions that are necessary for effective management, and that exist in other organizations, are absent in the Bureau. This finding led NAPA to conclude that Bureau personnel are hard working dedicated employees who are not provided with the tools to effectively do their jobs. For example, NAPA concluded that, ''there is no existing capability to provide budget, human resources, policy, and other types of assistance to the Assistant Secretary—Indian Affairs and the Bureau.'' Even prior to the NAPA report, the managers were aware that the Office of the Assistant Secretary—Indian Affairs did not have the capability to develop and analyze policy recommendations. Therefore, the managers have provided $250,000 under central office general administration as part of the fiscal year 2000 budget for the establishment of an office of policy analysis and planning in support of NAPA-related program reform efforts.

Consequently, it is the recommendation of the managers that the Bureau proceed with implementation of the NAPA report. In addition, the Bureau should incorporate the NAPA recommendations as part of the Bureau's fiscal year 2001 budget. The managers understand that implementation of the

NAPA recommendations will likely result in the transfer of functions from Central Office West to Central Office East. Before this reorganization is implemented, the Bureau should coordinate this reorganization with the appropriate Congressional delegation. The managers recognize that implementation of the NAPA recommendations may require a reprogramming of funds. The Committees on Appropriations will look favorably on such requests and will try to expedite their approval. Lastly, the managers direct the Bureau and the Department to keep the Committees on Appropriations fully informed as to the progress being made in implementing the NAPA recommendations.

The managers have provided $592,000 for the Gila River Farms project with the understanding that the funding completes this multi-year agriculture project.

The managers direct that within the funds provided for the Indian Arts and Crafts Board $290,000 is earmarked for enforcement and compliance activities.

In recognition of the many pressing needs in public safety and justice and in order to allow the tribes and the Bureau to determine the priorities among those needs, the managers have not earmarked funds for animal welfare and control efforts within the funds provided for law enforcement. The managers are concerned, however, about the growing problems related to animal welfare and control on reservations and encourage the Bureau and the tribes to work with the Indian Health Service to determine if funding to address these problems should be included in future budget requests.

CONSTRUCTION

The conference agreement provides $146,884,000 for construction as proposed by the Senate instead of $126,023,000 as proposed by the House.

Changes to the House number include an increase of $22,374,000 for replacement school construction and decreases of $500,000 for employee housing and $1,013,000 from the safety of dams program. For replacement school construction, the managers agree to the distribution stated on page 54 of Senate Report 106–99.

The managers remain troubled over the growing number of requests to use unobligated prior year school operations funds for replacement or repair of Bureau funded schools. The Congress has increased school operations funding every year for the past five years based on analysis by the Department, the Bureau, and the tribes showing that school operation funds remain well below the per student national average. Based on this analysis the managers are not convinced that any school should have carryover operations funds at the end of the school year. Nevertheless, the managers have included bill language to allow the Tate Topa Tribal School, the Black Mesa Community School, and the Alamo Navajo School to use prior year operations funds for repair and replacement purposes. However, to ensure that the additional flexibility provided by this language does not create an incentive for schools to divert scarce operations dollars, any future requests require approval by the Secretary of the Interior. In addition, the managers direct that if this authority is used, the Secretary should certify in writing to the House and Senate Committees on Appropriations that this request will not negatively impact the school's academic standards.

The managers have included bill language as proposed by the Senate to provide $375,000 to the U.K. Development L.L.C. in return for a quit claim deed to the Lac Courte Oreilles Ojibwe school.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides $27,256,000 for Indian land and water claim settlements and miscellaneous payments to Indians instead of $25,901,000 as proposed by the House and $27,131,000 as proposed by the Senate.

Increases above the House level include $1,000,000 for Aleutian Pribilof church repairs, $230,000 for the Truckee River, and $125,000 for the Walker River Paiute Tribe.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $5,008,000 for the Indian guaranteed loan program as proposed by the House instead of $5,004,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

The managers have included bill language under the Bureau of Indian Affairs Administrative Provisions as proposed by the Senate that allows the use of prior year school operations funds to be used for replacement or repair of Bureau schools if approved by the Secretary.

The managers have modified Senate proposed bill language included under the Bureau of Indian Affairs Administrative Provisions which clarifies that Bureau funded schools may share their campus with other schools that do not receive Bureau funding and have expanded grades, provided that any additional costs be provided by non-Federal sources.

The managers have modified Senate proposed bill language under Title I General Provisions to direct that the allocation of funds to post secondary schools during fiscal year 2000 be determined by the post secondary funding formula adopted by the Office of Indian Education.

The managers have modified Senate proposed bill language under Title I General Provisions to allow the Secretary to redistribute no more than 10 percent of Tribal Priority Allocation funds to address unmet needs, dual enrollment, overlapping service areas, or inaccurate distribution methodologies.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $67,171,000 for assistance to territories instead of $62,320,000 as proposed by the House and $67,325,000 as proposed by the Senate. The managers have agreed to follow the funding levels proposed by the Senate for the activities, except that the managers have included a decrease of $154,000 from the level proposed by the Senate for the Office of Insular Affairs. The managers have included funding, as suggested by the Senate, for the Compact renegotiation process. The conference agreement also includes the language proposed by the Senate deferring part of the Covenant mandatory payment to the Commonwealth of the Northern Mariana Islands. The deferred funds are allocated to the Virgin Islands for federal mandates as directed by the Senate report. The managers agree that the Secretary should ensure that representatives of Hawaii are consulted during the upcoming compact renegotiation process so the impact to Hawaii of migrating citizens from the freely associated states is appropriately considered.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $20,545,000 for the Compact of Free Association as proposed by both the House and the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $62,864,000 for Departmental Management as proposed by the House instead of $62,203,000 as proposed by the Senate. The managers agree to the following distribution of funds:

Departmental direction	$11,665,000
Management and coordination	22,780,000
Hearings and appeals	8,047,000
Central services	19,527,000
Bureau of Mines workers compensation/unemployment	845,000

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides $40,196,000 for the Office of the Solicitor instead of $36,784,000 as proposed by the House and the Senate. The managers agree to the following distribution of funds:

Legal services	$33,630,000
General administration	6,566,000

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $26,086,000 for the Office of Inspector General as proposed by the House instead of $26,614,000 as proposed by the Senate. The managers agree to the following distribution of funds:

Audit	$15,266,000
Investigations	4,940,000
Administration	5,880,000

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides $90,025,000 for Federal trust programs as proposed by the House instead of $73,836,000 as proposed by the Senate.

The managers direct that prior to the Department deploying the Trust Asset and Accounting Management System (TAAMS) in any Bureau of Indian Affairs Area Office, with the exception of locations in the Billings area, the Secretary should advise the Committees on Appropriations that, based on the Secretary's review and analysis, such systems meet TAAMS contract requirements and user requirements.

The managers have modified House proposed bill language under Title I General Provisions to allow the Department to hire individuals other than administrative law judges (ALJ) to hear Indian probate cases, and to allow the Department to secure the services of ALJs from other Federal agencies as a means of reducing the Indian probate backlog.

INDIAN LAND CONSOLIDATION PILOT

The conference agreement provides $5,000,000 for the Indian land consolidation pilot as proposed by the House and Senate.

The managers have included a technical correction to the bill language to allow funds to be transferred to the Bureau of Indian Affairs for the administration of the consolidation pilot.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $5,400,000 for the natural resource damage assessment fund as proposed by the House instead of $4,621,000 as proposed by the Senate.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 101 through 112 and sections 114 and 115 from the Senate bill which continue provisions carried in past years.

Section 113 contains a technical correction to the Senate language dealing with contract support costs paid by the Department of the Interior on Indian self-determination contracts and self-governance compacts as proposed by the House.

Section 116 changes the name of the Steel Industry American Heritage Area to the ''Rivers of Steel National Heritage Area'' as proposed by the House. The Senate had no similar provision.

Section 117 retains the text of section 116 as proposed by the Senate and provides for the protection of lands of the Huron Cemetery for religious and cultural uses and as a burial ground. The House had no similar provision.

Section 118 retains the text of section 114 as proposed by the House and section 118 as proposed by the Senate which permits the retention of rebates from credit card services for deposit to the Departmental Working Capital Fund.

Section 119 retains the text of section 115 as proposed by the House and section 119 as proposed by the Senate which permits the transfer of funds between the Bureau of Indian Affairs and the Office of Special Trustee for American Indians for the Trust Management Improvement Project High Level Implementation Plan.

Section 120 makes permanent the exemption from certain taxes and special assessments for properties at Fort Baker, Golden Gate National Recreation Area. The Senate had provided the exemption for one year.

Section 121 retains the text of section 117 as proposed by the House and section 121 as proposed by the Senate which permits the retention of proceeds from agreements and leases at Fort Baker, Golden Gate National Recreation Area for preservation, restoration, operation, maintenance, interpretation and related activities.

Section 122 retains the text of section 118 of the House bill which requires the renewal of grazing permits in the Lake Roosevelt National Recreation Area and directs the National Park Service to manage grazing use to protect recreational, natural and cultural resources. Senate section 124 contained a similar provision.

Section 123 modifies language of the House and Senate regarding the issuance of grazing permits. This modification requires analysis of grazing activities using sound, proven science. The managers are concerned with the existing backlog incurred from the renewal process of expiring permits and leases. The managers expect the Department to develop and implement a schedule to address and alleviate this backlog as soon as possible, and have provided an additional $2,500,000 to expedite the grazing permit and lease renewal process. The managers expect these renewals to be completed so that they will not need to continue to address this issue on an annual basis.

Section 124 modifies House section 120 and allows the Department to hire individuals other than administrative law judges and to secure the services of administrative law judges from other Federal agencies to address the Indian probate backlog. The Senate had no similar provision.

Section 125 retains the text of section 121 as proposed by the House allowing American Samoa to receive a loan which will be repaid from its proceeds from a settlement agreement with tobacco manufacturers. The Senate had no similar provision. The managers remain very concerned about the fiscal situation in American Samoa. The managers have agreed to the Senate proposal that the Secretary should not release certain funds withheld in fiscal year 1999 until the Secretary certifies that American Samoa implements activities regarding repayment for health care in Hawaii. The managers expect that the substantial loan will be used effectively by American Samoa to provide a long-lasting fiscal remedy and economic development. The managers strongly encourage the government to use some of these new funds for health care repayments which remain outstanding. The managers direct the Secretary to craft the final loan agreement so that the principal of $18,600,000, and interest calculated at the Congressional Budget Office's estimate of 5.4 percent, be fully repaid through the assignment of the tobacco lawsuit settlement funds over the next 26 years. At such time as these costs have been fully repaid the Secretary should act promptly to restore the tobacco settlement payments directly to American Samoa. The managers also encourage the Secretary and the American Samoa government to work cooperatively to identify and bring economic development to the Territory. The managers encourage the Secretary to consult with other Federal departments and agencies in this effort and make use of the recently established President's Interagency Group on Insular Areas to help achieve this goal.

The managers have not agreed to language proposed by the Senate in section 122 prohibiting the use of funds for the removal of the Elwha and Glines Canyon dams.

Section 126 modifies language as proposed by the Senate on a feasibility study for designating Midway Atoll as a National Memorial. The modification directs the Secretary, acting through the Fish and Wildlife Service in coordination with the National Park Service, to pursue designation of Midway Atoll as a National Memorial to the Battle of Midway. It requires no study before establishment of the designation. The House had no similar provision. The managers note that the Fish and Wildlife Service has an aggressive program underway at Midway relating to historic site protection, restoration and interpretation, and the managers fully support that effort.

Section 127 modifies section 125 as proposed by the Senate and provides the Secretary one year to redistribute Tribal Priority Allocation funds to address unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. The House had no similar provision.

Section 128 retains the text of section 126 as proposed by the Senate prohibiting the use of funds to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, until the tribe and county reach agreement on development issues. The House had no similar provision.

Section 129 modifies section 127 as proposed by the Senate and limits the use of funds to implement Secretarial Order 3206 regarding the administration of the Endangered Species Act on Indian tribal lands. The modification permits implementation of the order except for two provisions. The first provision, which may not be implemented, would give preferential treatment to Indian activities at the expense of non-Indian activities in determining conservation restrictions to species listed under the Endangered Species Act. The second would give preferential treatment to tribal lands at the expense of other privately owned lands in designating critical habitat under the Endangered Species Act. The House had no similar provision.

Section 130 retains the text of section 128 as proposed by the Senate providing authority for the Bureau of Land Management to provide land acquisition grants to two local governments in Alaska. The House had no similar provision.

The managers have not included section 129 as proposed by the Senate dealing with alternatives for the modification of Weber Dam. The projects listed in the section, however, have been funded and incorporated in the appropriate accounts. The House had no similar provision.

Section 131 retains the text of section 130 as proposed by the Senate redirecting $1,000,000 from fiscal year 1999 appropriated funds for acquisition of the Howard Farm near Metzger Marsh, Ohio. The House had no similar provision.

The managers have not included language proposed in section 131 of the Senate bill to place a moratorium on the issuance of final procedures for class III Indian gaming. The managers have taken this action based on assurances from the Secretary that he will not implement final procedures until the Federal courts have ruled on this issue.

Section 132 retains the text of section 132 as proposed by the Senate conveying certain lands to Nye County, Nevada. The House had no similar provision.

Section 133 retains the text of section 133 as proposed by the Senate conveying certain lands to the City of Mesquite, Nevada. The House had no similar provision.

Section 134 clarifies that section 134 as proposed by the Senate expresses the Sense of the Senate regarding exhibits commemorating the quadricentennial of European settlement at St. Croix Island IHS.

Section 135 retains the text of section 135 as proposed by the Senate prohibiting the Department of the Interior from studying or implementing any plan to drain Lake Powell or reduce water levels below levels required for the operation of Glen Canyon Dam. The House had no similar provision.

Section 136 modifies section 136 as proposed by the Senate dealing with the prohibition of inspection fees on certain exported hides and skins. The modification specifies that the prohibition on fees does not apply to any person who ships more than 2,500 hides, skins or parts during the course of one year. The House had no similar provision.

Section 137 retains the text of section 138 as proposed by the Senate prohibiting the implementation of sound thresholds at Grand Canyon National Park until 90 days after the National Park Service has provided a report detailing the scientific basis for such thresholds. The House had no similar provision.

Section 138 modifies language as proposed by the Senate regarding funds appropriated in fiscal year 1998 for land acquisition in Haines Borough, Alaska.

Section 139 modifies section 142 as proposed by the Senate so that funds appropriated for Bureau of Indian Affairs Post Secondary Schools for fiscal year 2000 shall be allocated by the Post Secondary Funding Formula adopted by the Office of Indian Education Programs. The House had no similar provision.

Section 140 clarifies section 143 as proposed by the Senate that land and other reimbursement the Secretary may receive in the conveyance of the Twin Cities Research Center

must be used for the benefit of the National Wildlife Refuge System in Minnesota and for activities authorized by Public Law 104–134. The House had no similar provision.

Section 141 modifies section 144 as proposed by the Senate regarding oil valuation regulations. The managers instruct the Comptroller General to review the issues raised by the Minerals Management Service oil valuation rule-making and to issue a report within six months. The section also requires that the rule be consistent with existing statutory requirements (Mineral Lands Leasing Act, 30 U.S.C. Sec. 226(b) and Outer Continental Shelf Lands Act, 43 U.S.C. Sec. 1337).

The managers expect that the GAO report will examine and evaluate the proposed rule and its consistency with statutory requirements, lease agreements, and historic practices of valuing oil for royalty purposes at the lease. The managers intend that the Comptroller General will take into consideration all official comments submitted during the rule-making. Specifically, the managers expect the following issues to be examined and reported upon: criteria for arms length transactions for valuation purposes; methodologies for determining values in non-arms length transactions; proper adjustments and allowances of expenses when the valuation process begins away from the lease; and acceptance of arms length market transactions.

The managers urge and expect the MMS to review thoroughly the Comptroller General's report and to ensure that oil royalty valuation rules are consistent with existing law. Nothing in this conference report would prevent MMS from reproposing the rule. In fact, the managers encourage them to do so.

Section 142 extends through 2003 the authority of the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia.

Section 143 provides new contract authority regarding transportation concessions at Zion NP, Utah.

Section 144 provides an extension of the deadline for Red Rock Canyon National Conservation Area to allow the Bureau of Land Management sufficient time to process a pending rights-of-way application.

Section 145 increases to 15 percent the amount of funds that may be used by the National Park Foundation to administer the National Park Passport program.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $202,700,000 for forest and rangeland research instead of $204,373,000 as proposed by the House or $187,444,000 as proposed by the Senate. The managers have agreed to the Senate proposal to direct $250,000 to study hydrological and biological impacts of lead and zinc mining on the Mark Twain National Forest, MO. The managers have moved the bill language that concerns prospecting permits and land withdrawals on this national forest to Title III. The managers have agreed to a funding decrease of $2,574,000 from lower priority research but the managers have not agreed to the Senate proposal to reduce nonforest health and productivity research specifically; nor are funds included for uncontrollable fixed cost support as proposed by the House.

The managers have agreed to the House proposed funding level for the forest inventory and analysis program. This program should focus on cost share opportunities with state partners and give first priority to those states that have demonstrated a commitment to achieving the 20 percent annual plot measurement objective through cash or in-kind contributions.

The managers have included the funding for the activities at Mount St. Helens proposed by the House. The Pacific Northwest (PNW) research station should collaborate with the National Monument staff and non-Federal scientists to assemble, summarize and archive long-term data sets on 20 years of biological responses at Mount St. Helens. The PNW should convene scientists with past or future involvement with ecological studies at Mount St. Helens to synthesize current knowledge and promote future studies.

The managers have provided no funding in the research account for the University of Washington landscape ecology study; rather, funds for this activity have been provided in the State and Private Forestry appropriation to maintain this effort at the fiscal year 1999 level.

The managers have agreed to the Senate proposal for a funding increase at the Sitka, AK, forest center and have agreed to a $300,000 increase above the fiscal year 1999 level for the Purdue University hardwood center. Funding for the Sitka facility should be included in the fiscal year 2001 budget justification.

The managers do not agree to the Senate proposal for the University of Montana research nor the Senate proposed expansion of the CROP program, but the managers agree to maintain the CROP program at the fiscal year 1999 level at the Colville National Forest, WA.

The managers have moved $1,000,000 from the national forest system account for the PNW station to fund the demonstration of ecosystem management options (DEMO) program; if additional funds are needed, they should be taken from the national allocation to research. The managers agree with the Senate colloquy that projects at West Virginia, Vermont, and the Forest Products lab should be funded at the fiscal year 1999 level as should the Coweeta and Bent Creek projects as proposed by the House. The managers also agree that funding for the forest science laboratory in Juneau, AK, should be maintained at the fiscal year 1999 level.

The managers direct that up to $500,000 from the national allocation should be used, in a cost-share effort, to revise and update the Forest Service publication, ''Carbon Changes in U.S. Forests''. The updated publication should include all documentation of assumptions and methodologies used in estimating and projecting carbon sequestration using the forest carbon accounting model (FORCARB). A final draft of the updated publication should be presented to an accredited forestry school for scientific peer review by June 30, 2000, and an updated publication should be completed by September 30, 2000, and submitted to the House and Senate Committees on Appropriations.

The managers have agreed to revised instructions regarding services provided by Forest Service scientists in support of National Forest System (NFS) projects. The managers expect that scientists will be available to support NFS project implementation as an important aspect of their professional public service and technology transfer responsibilities. The managers also encourage the Forest Service to increase their efforts at extramural research and pursue additional cost-sharing for the full scope of forest and rangeland research.

STATE AND PRIVATE FORESTRY

The conference agreement provides $187,534,000 for State and private forestry instead of $181,464,000 as proposed by the House and $190,793,000 as proposed by the Senate.

The agreement provides $38,825,000 for Federal lands forest health management and $21,850,000 for cooperative lands forest health management. The managers have agreed to the House proposal on Asian long-horned beetle work in urban areas and the Senate proposal for the Vermont forest cooperative. The agreement fully funds the gypsy moth slow-the-spread program. The managers have agreed to redirect the Senate proposal for Kenai Peninsula Borough, AK, assistance to the state fire assistance activity. The conference agreement directs the Forest Service to improve the control or eradication of the pine beetles in the Rocky Mountain region of the United States; to conduct a study of the causes and effects of, and solutions for, the infestation of pine beetles in the Rocky Mountain region of the United States; and to submit to the House and Senate Committees on Appropriations a report on the results of the study within six months of enactment of this Act.

The conference agreement includes $24,760,000 for state fire assistance, including a special allocation of $250,000 for the Senate-proposed project for wildfire training and equipment in Kentucky and $2,000,000 for hazardous tree removal resulting from spruce bark beetle infestations in the Kenai Peninsula Borough, AK. The managers agree to the Senate direction concerning a direct lump sum payment to the Kenai Peninsula Borough and other direction concerning this funding. The conference agreement includes $3,250,000 for volunteer fire assistance, an increase of $1,250,000 above the fiscal year 1999 funding level.

The conference agreement includes $29,430,000 for forest stewardship as proposed by the House. This funding includes the House-proposed funding for the New York City watershed and the NE Pennsylvania community forestry program and the Senate proposed funding for the Chesapeake Bay program. The conference agreement includes $10,000,000 for the forest legacy program of which $1,500,000 is directed for the Jefferson and Randolph, NH, project as proposed by the Senate. The managers encourage the Forest Service and the States to develop forest legacy selection criteria that emphasize projects which enhance federal lands, federal investments, or past federal assistance efforts. The conference agreement includes $31,300,000 for the urban and community forestry program which includes the House-proposed increase for the NE Pennsylvania forestry program and $500,000 for the Senate-proposed Salt Lake City Olympic tree program. The managers encourage the Forest Service to work with and help support the Chicago green streets program for urban forestry. The managers do not agree to the Senate direction concerning headquarters staffing for the urban and community forestry program, but the managers encourage greater cost savings to be achieved at headquarters and regional office levels. In addition, the managers direct the Forest Service to commission an independent study or panel to assess the feasibility and potential for enhanced efficiency by block-granting all or portions of the cooperative forestry program. This evaluation should be done in consultation with the state foresters, the Society of American Foresters, and other interested professional or citizens groups.

The conference agreement includes the following funding for the economic action program and the Pacific Northwest assistance program:

Economic Action Program	
Economic recovery	$4,900,000
Rural development through forestry	6,000,000
Forest product conservation & recycling	1,900,000
Wood in transportation	1,205,000
Program subtotal	14,005,000
Special projects:	
NY City watershed	500,000
Lake Tahoe erosion control grants	1,000,000
Hood River beach facilities OR	275,000
The Dalles riverfront trail OR	1,169,000
Columbia River Gorge county payment	280,000
Hawaii forestry workers training	100,000
Princeton WV hardwood center increase	975,000
Four Corners sustainable forestry initiative increase	500,000
Skamania County Drano Lake project WA	515,000
UW landscape ecology (moved from research)	300,000
Nordic Ski Center rehab, Chugach NF, AK	500,000
Projects subtotal	6,114,000
Economic Action Program total	20,119,000
Pacific Northwest Assistance program:	
Base program	6,500,000
Forks WA training center	600,000
UW and WSU technology transfer extension	900,000
Pacific Northwest Assistance program total	8,000,000

The conference agreement directs that within the funds provided for the rural development through forestry program at least 50 percent is directed for the Northeast-Midwest area. The managers have included $500,000 for the Northern Forest Heritage Park, NH, within the available funds for the economic recovery program but the managers stipulate that this will be the final Forest Service commitment for this effort and that this funding shall come from the allocation otherwise available to the Northeastern area.

The managers have provided an increase of $100,000 in addition to the $100,000 for the Hawaii forests and communities initiative within the economic action program as requested by the Administration. The managers have provided an increase of $975,000 for the Princeton, WV, hardwood center in addition to $1,520,000 included in the forest products conservation and recycling activity within the economic action program as requested by the administration. This brings the Princeton hardwood center funding to the FY 1999 level. The managers have also provided an increase of $500,000 for the Four Corners sustainable forestry initiative which is in addition to $500,000 that the managers have included within the rural development through forestry activity as requested by the administration; this latter $500,000 should come from the region's allocation. The managers concur with the Senate direction on lump sum payments with respect to the Forks, WA, Training Center.

The managers have revised instructions proposed by the House concerning the American Heritage Rivers initiative. The managers direct that the Forest Service may allocate up to $300,000 for this effort. This funding should be used entirely for field activities, and no funds should be transferred to or used to support the Council on Environmental Quality or national interdepartmental coordination or training efforts. The managers have also included language in Title III concerning this matter. The managers do not object to the Forest Service continuing to provide headquarters and regional administrative or technical support for this effort as they would for any program, but no staff at regional, headquarters or departmental levels should be substantially dedicated to this initiative. The managers encourage the Forest Service to develop cost-share efforts for this initiative to the maximum extent feasible.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,251,504,000 for the national forest system instead of $1,254,434,000 as proposed by the House and $1,239,051,000 as proposed by the Senate. Funds should be distributed as follows:

Land management planning	$40,000,000
Inventory and monitoring	81,350,000
Recreation management	155,500,000
Wilderness management	30,151,000
Heritage resources	13,214,000
Wildlife habitat management	32,561,000
Inland fish habitat management	19,341,000
Anadromous fish habitat management	23,091,000
TE&S species habitat management	26,932,000
Grazing management	28,982,000
Rangeland vegetation management	29,850,000
Timber sales management	224,500,000
Forestland vegetation management	63,340,000
Soil, water and air operations	26,932,000
Watershed improvements	32,850,000
Minerals and geology management	37,200,000
Real estate management	47,554,000
Land line location	15,468,000
Law enforcement operations	67,288,000
General administration	250,000,000
Land Between the Lakes NRA	5,400,000
Total, NFS	1,251,504,000

The conference agreement includes the following congressional priorities: recreation management includes a $500,000 increase for the Monongahela National Forest, WV, as proposed by the Senate; rangeland vegetation management includes $300,000 for noxious weed control on the Okanogan NF, WA, as proposed by the Senate and $400,000 for Region 5 grazing monitoring as proposed by the House; timber sales management includes $2,000,000 for the aspen program in Colorado as proposed by the Senate; forestland vegetation management includes $240,000 for pinelands work on the Mark Twain NF, MO, and $500,000 for spruce budworm work on the Gifford Pinchot NF, WA, proposed by the Senate and $300,000 for the CROP project on the Colville NF, WA, and $300,000 for Cradle of Forestry, NC, environmental education as proposed by the House. The managers have provided no funds for the newly proposed forest ecosystem restoration and improvement activity but have included $2,000,000 in the forestland vegetation management activity for work of this nature and $1,000,000 for the Blue Ridge project on the Apache-Sitgreaves NF that the Senate had proposed funding within the forest ecosystem restoration and improvement activity. The managers encourage the Forest Service to consider enhancing the ecosystem restoration program, including the use of partnerships, in Region 3. The conference agreement also includes $1,000,000 for the Wayne NF, OH, acid mine drainage work as proposed by the House; $750,000 for Lake Tahoe basin watershed improvements proposed by the Senate; and $750,000 for the Weyerhauser-Huckleberry land exchange supplemental environmental impact statement in Washington state as proposed by the Senate.

The managers have modified bill language proposed by the House to require the display of unobligated balances by extended budget line items in the fiscal year 2001 budget justification.

The managers have provided funding in the timber sales management activity sufficient to maintain the same total timber sale volume as was proposed for fiscal year 1999; the managers direct that the total sale volume for fiscal year 2000 be no less than the volume in fiscal year 1999. The managers request that the report proposed by the Senate concerning timber growth, inventory and mortality be submitted to the House and Senate Committees within 180 days of enactment. The managers have provided funding to maintain the drug law enforcement effort in Kentucky at the 1999 level. The managers encourage the Forest Service to cooperate with the City of Fredonia, AZ, on standards for facilities for the North Kaibab ranger station and to consider entering into an agreement with the city to occupy the facilities upon completion.

The managers have revised instructions proposed by the House and direct the Forest Service and the Department of Agriculture to present a clear exposition in their budget justifications on their respective responsibilities and funding concerning fiscal, budget and related business activities. The managers also request the Forest Service to provide a report to the House and Senate Committees on Appropriations within 180 days of enactment that describes the public affairs and communications programs and outlines objectives, performance measures and expected costs for this effort. The managers concur with House recommended language concerning the Knutson-Vandenburg reforestation fund, salvage sale and brush disposal funds except that these funds may be used for national commitments within the Forest Service if the project relates to the fund's administration, management or authorized activity.

The managers concur with the House language that directs that no funds be used for the natural resource agenda or conservation education national commitment categories until a detailed, agency-wide spending plan, including funding sources and expected results, is approved by the House and Senate Committees on Appropriations. The managers acknowledge the early receipt of the report requested by the House concerning

the conservation education program. The managers also direct that no funds be used for the construction of a national museum or visitor center in the Sidney R. Yates building without the review and approval of the House and Senate Committees on Appropriations. The managers do not request the GSA report requested by the Senate concerning alternative office space for the Washington Office at this time.

Land Between the Lakes National Recreation Area—The managers note that the Energy and Water Development Appropriations Act, 2000, does not include funding for operation of the Land Between the Lakes National Recreation Area, KY and TN. Therefore, the management of this area will be transferred from the Tennessee Valley Authority to the U.S. Forest Service as directed by the Land Between the Lakes Protection Act of 1998 Title V of Sec. 101(e) of Public Law 105–277). The managers expect that Land Between the Lakes (LBL) will be managed as part of the national forest system for recreation in a manner consistent with the multiple use mandate of the Forest Service and the original 1972 LBL mission statement. The managers also expect an orderly transfer of management from the Tennessee Valley Authority to the Forest Service. The managers direct that the previously published guidelines for the transfer be followed; these are delineated on pages 1246 and 1247 of House Report 105–825 accompanying P.L. 105–277, the Omnibus Consolidated and Emergency Supplemental Appropriations Act for fiscal year 1999. The managers have included a total of $7,000,000 for the operation of LBL; this includes $5,400,000 in the national forest system appropriation, $1,300,000 in the reconstruction and maintenance appropriation and $300,000 in the wildland fire management appropriation account.

The managers recommend that the Forest Service wilderness management policy should consider the need for mitigating the adverse effect of human impact on vegetation, soil, water and wildlife. The managers suggest that the policy should consider solitude as one among a number of qualities valuable to a wilderness experience but recognize that the 1964 Wilderness Act does not require solitude on every trail. The managers feel that the Forest Service should not impose a wilderness-wide blanket of determining use by social encounters (solitude).

The managers are aware of the structural problems of the Long Park Dam in Daggett County, Utah. Recognizing the unique circumstances of the dam, its proximity to the Flaming Gorge National Recreation Area, and its significant contribution to the local economy of Daggett County, Utah, the managers encourage the Secretary of Agriculture to make repair of the dam a priority within the Department of Agriculture's appropriation funding. The managers understand that the State of Utah is participating in the project on a 50/50 cost share basis. Should budgetary adjustments be necessary to provide for the federal share, the Secretary shall do so in consultation with the House and Senate Committees on Appropriations.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $651,354,000 for wildland fire management instead of $561,354,000 as proposed by the House and $650,980,000 as proposed by the Senate. The conference agreement includes funding for fire operations and preparedness (including Land Between the Lakes NRA) as proposed by the House and contingent emergency funding as proposed by the Senate. The managers concur with the Senate direction concerning acquisition of a high band radio system for the Monongahela NF, WV. The agreement calls for about $70,000,000 to be reserved for hazardous fuel operations of which $500,000 is designated for hazardous tree removal on the Chugach National Forest, AK, and $1,500,000 is for implementing the Quincy Library group project as proposed by the Senate. The managers do not specify any set amount of funding for particularly severe forest health areas as proposed by the House, but the managers expect the Forest Service to follow other House and Senate instructions concerning this program, including a report within 120 days and full integration of this program with other vegetation, habitat management and watershed improvement programs. The managers have included bill language proposed by the House which requires the transfer of not less than 50 percent of the unobligated balances remaining at the end of fiscal year 1999 to pay back funds previously advanced from the Knutson-Vandenburg reforestation fund during severe emergencies. The managers note that this fund is still owed $392,871,000 that was advanced for emergency wildfire fighting during previous years. The managers again encourage the administration to make efforts to repay this important environmental restoration and protection fund.

RECONSTRUCTION AND MAINTENANCE

The conference agreement provides $398,927,000 for reconstruction and maintenance instead of $396,602,000 as proposed by the House and $362,095,000 as proposed by the Senate. The conference agreement provides for the following distribution of funds:

	Amount
Facilities Reconstruction and Construction	
Research facilities:	
Auburn University research facility AL	$4,000,000
Inst. Pacific Islands Forestry HI	400,000
Admin. request projects	7,510,000
Subtotal: Research facilities	11,910,000
Fire, admin, other facilities:	
Marienville RS consolidation PA	1,140,000
Black Hills NF fire training facility SD	800,000
Wayne NF supervisors office completion OH	475,000
Admin. request projects	22,946,000
Subtotal: FAO facilities	25,361,000
Recreation facilities:	
Allegheny NF rec facilities PA	400,000
Angeles NF toilet and water system rehab CA	1,200,000
Badin Lake campground NC	400,000
Boone NF Rockcastle and Noe's Dock boat ramp KY	425,000
Chugach NF, Begich Boggs visitor center AK	1,400,000
Cradle of Forestry NC	1,078,000
Franklin County dam MS	2,000,000
Ocoee boater put-in and Thunder Rock campgd TN	600,000
Sacajewea education center, Salmon ID	75,000
San Bernardino NF Dogwood campground CA	1,125,000
Santa Inez First Crossing recreation area CA	950,000
Talladega NF Pinhoti trail bridge AL	30,000
Waldo Lake sanitation OR	700,000
Admin. request projects	32,949,000
Subtotal: Recreation facilities	43,332,000
Subtotal facilities reconstruction and construction	80,603,000
Trail Reconstruction and Construction	
Continental Divide trail (various)	500,000
Florida National Scenic Trail	250,000
Taft Tunnel ID	750,000
Winding Stair Mt NRWA OK	130,000
Ocoee river trail system TN	300,000
VA Creeper trail repair VA	500,000
Admin. request projects	12,979,000
Other trail reconstruction base program	14,173,000
Subtotal trails reconstruction and construction	29,582,000
Road reconstruction and construction	
Boone NF Tunnel Ridge road KY,	1,000,000
Increase for timber support	2,091,000
Monongahela NF landslide damage WV	641,000
Olympic NF Hamma Hamma road WA	800,000
Admin. request projects	96,468,000
Subtotal road reconstruction and construction	101,000,000
Reconstruction and construction subtotal	211,185,000
Maintenance	
Facilities	54,813,000
Road maintenance and decommissioning	111,184,000
Trails	20,445,000
Maintenance subtotal	186,442,000
Land Between the Lakes, maintenance, repairs	1,300,000
Total reconstruction and maintenance	398,927,000

The conference agreement has included bill language as proposed by the Senate that requires the Forest Service to provide an opportunity for public comment on each road decommissioning project. The conference agreement has provided sufficient road reconstruction and construction funding to allow the timber sales program to offer the same level of harvest as in fiscal year 1999. The managers point out that funds will not be used for the direct construction of new timber access roads; rather, the timber purchasers will provide for the actual construction, although the Forest Service will continue to provide all needed engineering support and project guidance. The managers have not agreed to the Senate recommendation that road reconstruction decreases

would come from the Region 10 funding. The agreement includes $100,000 for Noe's Dock boat ramp and $325,000 for the Rockcastle project on the Daniel Boone NF, KY, and directs that the $300,000 in the budget request originally designated for the Region 9 office move shall be used for the heating, ventilation and air conditioning systems at the Forest Products Lab, WI. The managers emphasize that the funding authorization for the Auburn University forestry school construction project requires the University to provide the Forest Service with rent-free use of space for the life of the building for collaborative research.

LAND ACQUISITION

The conference agreement provides $79,575,000 in new land acquisition funds and a reprogramming of $40,000,000 in prior year funds instead of a total of $1,000,000 as proposed by the House and $36,370,000 as proposed by the Senate. Funds should be distributed as follows:

State and project	*Amount*
CA—Angeles NF (Pacific Crest Trail)	$1,500,000
NM—BACA	40,000,000
CA—Big Sur Ecosystem (Los Padres NF)	4,000,000
MT—Bitterroot NF (Rye Creek)	3,500,000
UT—Bonneville Shoreline Trail	750,000
WI—Chequamegon-Nicolet NF	1,500,000
TN—Cherokee NF (Gulf Tract)	3,500,000
AZ—Coconino NF (Bar-T-Bar Ranch)	5,000,000
AZ—Coconino NF (Sedona)	3,500,000
Multi.—Continental Divide Trail	700,000
KY—Daniel Boone NF	1,500,000
SC—Francis Marion NF	3,000,000
VT—Green Mtn. NF	3,000,000
ID—Hells Canyon NRA	600,000
IN—Hoosier NF	750,000
NV/CA—Lake Tahoe Basin	3,000,000
MT—Lindbergh Lake (Flathead NF)	3,000,000
MO—Mark Twain NF	1,000,000
WV—Monongahela NF (Elk River)	275,000
WA—Mountains To Sound Greenway	2,500,000
NC—Nantahala/Pisgah NF (Lake Logan)	1,000,000
FL—Osceola NF (N. FL. Wildlife Corridor)	1,000,000
WA—Pacific NW Streams	3,000,000
CA—San Bernardino NF	2,500,000
NM—Santa Fe NF (Jemez R.)	1,000,000
ID—Sawtooth NRA	1,000,000
MS—Univ. of Mississippi	12,000,000
OH—Wayne NF	1,000,000
NH—White Mt. NF (Pond of Safety Tract)	1,500,000
NH—White Mt. NF (Scenic Areas)	1,000,000
Reprogram FY99 Funds (Baca Ranch)	−40,000,000
Subtotal	67,575,000
Acquisition Management	8,500,000
Cash Equalization	1,500,000
Emergency Acquisitions	1,500,000
Wilderness Protection	500,000
Total	$79,575,000

The managers have provided $1,000,000 for the Osceola National Forest, FL, to acquire black bear habitat. The managers have made these funds contingent on an equal match from non-Federal sources. The project need is in excess of $100,000,000. The managers hope that the State of Florida will partner with the Federal government on this and other projects which are under serious development threat. The managers are aware that the State's annual land acquisition budget exceeds that of the Federal program and that the managers are providing Stateside land and water grants within the National Park Service appropriation for the first time in five years.

The managers have provided $3,000,000 for the Pacific Northwest Streams initiative. Of this amount, $2,000,000 is available for the Bowe Ranch, WA, and $1,000,000 for the Bonanza Queen Mine, WA.

Senate Report 105–56, which accompanied the Fiscal Year 1999 Interior and Related Agencies Act, included a limitation on the purchase price for the acquisition of certain lands in the Columbia River Gorge NSA (CRGNSA), and also required a donation of a 40-acre tract adjacent to the CRGNSA. Both of these directives are hereby rescinded. The Forest Service shall notify the Committees before finalizing the acquisition of these properties if the combined value of the acquisition of the Cannard Tract and the adjacent 40-acre parcel totals more than $625,000. The managers have included $40,000,000 for acquisition of the BACA Ranch subject to a specific authorization.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts as proposed by both the House and the Senate.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be $210,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be $3,300,000 for the range betterment fund as proposed by both the House and the Senate.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $92,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The managers have not included language proposed by the House concerning Committee approval of organizational restructuring. However, the managers are concerned that the Forest Service is not doing all that is practicable to see that the maximum amount of funding gets to the field where there is so much need for management action and public service. In addition, the managers are concerned that the Forest Service has established new staff units within the Washington Office with very little Congressional consultation. While the managers concur that additional resources may be necessary to improve agency accountability, such increases should be strictly limited in order to assure maximum availability of funds for program accomplishment. The managers direct the Forest Service to consult the House and Senate Committees on Appropriations prior to establishing new units in the Washington Office where such units report to Associate Deputy Chiefs or above and for major reorganizations in the field where there is a significant deviation from the current organizational structure. Such deviation would be significant if the reorganizations involve a net increase in administrative support needs or where groups of employees are geographically relocated.

The managers have not included language proposed by the House allowing the Secretary to use any available funds during wildland fire emergencies; the conference agreement continues the previous procedures as proposed by the Senate. The managers have included House language which allows the release of non-wildland fire management funds for wildland emergencies only when all previously appropriated emergency contingent wildland fire funds have been released by the President and apportioned. The managers remain concerned that this Administration has been overly anxious to spend the KV reforestation fund on wildland fire emergencies and not sufficiently interested in paying the KV fund back. This fund provides for vital environmental restoration and protection activities including tree planting, watershed restoration, and wildlife and fish habitat enhancement.

The managers have not included language proposed by the House preventing the transfer of Forest Service funds to the USDA working capital fund without advance Committee approval. The managers expect to see clear statements in future budget justifications concerning these and other departmental charges; the Forest Service should not be charged for Department of Agriculture administrative activities which should be funded by the Agriculture appropriations bill. In addition to the display contained in the agency budget justification, the managers expect the agency to inform the Committees immediately if the estimated total amount of funds to be transferred during the fiscal year differs from the agency estimate by more than 10 percent. The managers further instruct the Secretary to provide the Committees with a plan no later than March 31, 2000, for reduction of total charges against the agency beginning in fiscal year 2000.

The managers have included language proposed by the Senate concerning clearcutting on the Shawnee National Forest, IL; this language was carried in previous bills. The conference agreement includes the Senate proposed funding level for the National Forest Foundation and includes the House proposed language concerning the payment to the National Fish and Wildlife Foundation. The agreement includes bill language proposed by the Senate concerning the definition of overhead and indirect expenses and limiting indirect expenses to 20 percent for certain trust funds and cooperative work funds. The managers have included the House language allowing up to $500,000 to be transferred to the Office of the General Counsel for certain travel and related expenses; the Senate had included similar language. The managers have modified language proposed by the Senate allowing any funds available to the Forest Service to be used for law enforcement during emergencies; the modified language allows any funds to be used up to a maximum of $500,000 per year. The managers expect that this authority will only be used during real emergencies and that every effort will be made to pay back the borrowed funds promptly during subsequent years. The managers concur with the House direction regarding the International Forestry program. The managers have included the Senate provision authorizing use of Forest Service funds to pay a certain employee for part of the cost of his house and

possessions which were destroyed by arson because this arson appears to be retaliation for him performing his official job duties.

The managers have included bill language directing that $5,000,000 be allocated to the Alaska Region from fiscal year 1999 unobligated balances (excluding unobligated balances from the Alaska region) in addition to the $20,600,000 appropriated to sell timber in the normal base program for fiscal year 2000. The funds provided from unobligated balances, plus $5,100,000 from the base program, shall be used to prepare and make available timber sales to establish a three year timber supply for operators on the Tongass National Forest. Sales are to be prepared which have a high probability of being sold in order to facilitate a reliable Federal timber supply and transition to value added processing for the forest products industry in Southeast Alaska.

The managers have also included bill language which appropriates $22,000,000 to the Southeast Alaska economic disaster fund to be distributed over three years to the Ketchikan Gateway Borough, the City of Petersburg, the City and Borough of Sitka and the Metlakatla Indian Community. These funds are to be provided as direct lump sum payments and are to be used to employ unemployed timber workers and for related community redevelopment projects.

The managers have received the report from the National Academy of Public Administration (NAPA) on the Forest Service financial systems and budget structures. The managers are currently reviewing this important study and have assurances from the Secretary that he and the Forest Service will provide, by October 31, 1999, a report outlining specific steps, with deadlines, that the Forest Service will take to evaluate and implement NAPA recommendations as appropriate. The managers are concerned with the Academy's findings that the Forest Service has shown a substantial lack of leadership concerning managerial accountability. The managers expect the Forest Service and the Secretary to continue consultation with the House and Senate Committees on Appropriations concerning changes required to respond to this NAPA study. The managers remain concerned that the Forest Service budget formulation and allocation processes do not provide sufficient linkage between on-the-ground needs and funding priority work. The Service must also address the consequences of inadequate performance. Development and implementation of sound performance measures will be needed before major budget restructuring is likely to be accepted by the Committees. The managers are also concerned about Forest Service granting approval to expand greatly the chief financial officer's staffing at headquarters: the Forest Service should pay close attention to NAPA recommendations concerning this matter and organizational structure.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

The conference agreement provides for the deferral of $156,000,000 in previously appropriated funds for the clean coal technology program as proposed by the Senate instead of a deferral of $256,000,000 as proposed by the House. The managers agree that up to $14,400,000 may be used for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $410,025,000 for fossil energy research and development instead of $280,292,000 as proposed by the House and $390,975,000 as proposed by the Senate. Of the amount provided, $24,000,000 is derived by transfer from the biomass energy development account.

Changes to the House position in advanced clean fuels research include increases of $300,000 for coal preparation/carbon extraction from coal and $250,000 for indirect liquefaction and a decrease of $1,475,000 for direct liquefaction. For the advanced clean efficient power system program there is a decrease of $1,000,000 for low emissions boiler systems and an increase of $1,500,000 for Vision 21.

For natural gas programs there are increases to the House position in exploration and production of $375,000 for arctic research and $1,000,000 for methane hydrates; increases in advanced turbine systems of $800,000 for mid-size turbines, $2,500,000 for ramgen technology (coalbed methane), and $41,008,000 for the utility turbines program that the House had proposed to transfer to the Energy Conservation account; and increases in emerging process technology of $1,000,000 for gas-to-liquids/ITM Syngas and $2,000,000 for coal mine methane.

Changes to the House position in the oil technology program include increases of $375,000 for arctic research and $250,000 for reservoir characterization/northern mid-continent atlas in exploration and production; an increase of $750,000 for risk based data management systems and a decrease of $2,000,000 for preferred petroleum upstream management in recovery field demonstrations; and an increase of $3,500,000 for diesel biodesulfurization in Alaska.

Other changes to the House position include increases of $600,000 for cooperative research and development, $2,400,000 for federal energy technology center program direction, $600,000 for general plant projects, and $79,000,000 which eliminates a general reduction to fossil energy programs. There is also a decrease of $4,000,000 which assumes the use of prior year unobligated and uncosted balances.

The managers agree to the following:

1. The black liquor gasification program should include the active involvement of the appropriate officials within the industries of the future program in energy conservation.

2. The funds provided for laser drilling may be used for other innovative technologies in addition to laser drilling.

3. Within the methane hydrate program, the Department is encouraged to consider the expertise of the Gulf of Mexico Hydrate Research Consortium in safety-related research.

4. The managers are aware of a proposal to enhance the quality of low-grade sub-bituminous coal from the Powder River Basin by permanently removing moisture from the coal. This proposal also would provide economic development benefits for the Crow Nation. The managers urge the Department to evaluate this proposal and to consider providing technical assistance or other funding support to the extent the project represents a significant advance in coal dewatering technology, is consistent with the goals and objectives of the fossil energy program, and involves an appropriate degree of cost sharing.

5. The Department's PM 2.5 monitoring and research efforts should focus on developing data that respond to the fine particulate research needs identified in the Congressionally-mandated ''National Research Council Priorities for Airborne Particulate Matter.'' To the extent feasible, the Department should coordinate with industry, State and university research efforts to clarify the uncertainties in the current understanding of fine particulate matter concentration, chemical composition and the relationship between personal exposure and ambient air quality. Research results should help Federal and State environmental regulators design plans that comply with the PM 2.5 ambient air standard and protect the public health.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides, as proposed by both the House and the Senate, for the deposit of investment income earned as of October 1, 1999, on principal amounts in a trust fund established as part of the sale of the Great Plains Gasification Plant in Beulah, ND, and immediate transfer of the funds to the General Fund of the Treasury. The amount available as of October 1, 1999, is estimated to be $1,000,000.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides no new funding for the Naval petroleum and oil shale reserves as proposed by both the House and the Senate. Unobligated funds from previous fiscal years should be sufficient to continue necessary operations in fiscal year 2000.

ELK HILLS SCHOOL LANDS FUND

The conference agreement provides $36,000,000 for the second payment from the Elk Hills school lands fund as proposed by the House instead of no funding as proposed by the Senate. The managers have agreed to delay this payment until October 1, 2000, and expect the payment to be made on that date or as soon thereafter as possible.

ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $689,242,000 for energy conservation instead of $731,822,000 as proposed by the House and $684,817,000 as proposed by the Senate. Of the amount provided, $25,000,000 is derived by transfer from the biomass energy development account.

Changes to the House position in building research and standards include an increase of $201,000 for building America and a decrease of $300,000 for industrialized housing in residential buildings; an increase of $200,000 for commercial buildings research and development; and increases of $470,000 for lighting research and development, $2,250,000 for space conditioning and refrigeration, $1,000,000 for cogeneration/fuel cells and $297,000 for lighting and appliance standards in equipment, materials and tools. For the building technology and assistance program there is an increase of $1,000,000 for the weatherization assistance program. For management and planning there is a decrease of $300,000 in support for State and local grants.

Changes to the House position in industry programs include increases of $2,000,000 for reciprocating engines and $2,000,000 for characterization of oxidation behavior and a decrease of $3,000,000 for industrial turbines in distributed generation; an increase of $300,000 for technical assistance/integrated delivery; a decrease of $41,008,000 for utility turbines that the House had proposed to transfer from the fossil energy account; and decreases of $550,000 for NICE3, $100,000 for inventions and innovations, $200,000 for industrial assessment centers, $400,000 for motors and compressed air, and $250,000 for steam challenge.

Changes to the House position for transportation programs/vehicle technology include an increase of $3,000,000 for advanced

power electronics and a decrease of $2,900,000 in hybrid systems; increases of $400,000 for fuel cell systems, $1,600,000 for stock components, and $120,000 for fuel processing and storage in fuel cell research and development; decreases of $500,000 each for light truck engines and for heavy truck engines in the advanced combustion engine program; and increases of $800,000 each for CARAT and GATE in cooperative research. For fuels utilization there are increases of $600,000 for advanced petroleum fuels for heavy trucks and $1,000,000 for alternative fuels for automobiles/light trucks. For technology deployment there is a decrease of $10,000 for advanced vehicle competitions. In policy and management there is an increase of $1,000,000 for a National Academy of Sciences review of fossil fuel and conservation research efforts as described below and decreases of $100,000 for the headquarters working capital fund, $300,000 for international market development programs, and $200,000 for information and communications. There is also a decrease of $11,000,000 that assumes the use of prior year unobligated and uncosted balances.

Bill Language.—The managers have modified bill language proposed by the House that requires a 25 percent State cost share for the weatherization assistance program. The modification delays the cost-sharing requirement until fiscal year 2001 and thereafter to allow sufficient time for the States to prepare for this new requirement. The managers also agree that the cost share must be non-Federal for each State or other qualified participant but is not strictly limited to funds appropriated by each State or other qualified participant.

The managers agree to the following:

1. While the managers have not included language in the bill earmarking funds for grants to municipal governments as proposed by the Senate, the managers urge the Department to continue working closely with municipal governments and with the States to address municipal and community energy challenges. The managers encourage the Department to support worthy project proposals that address these issues within the amount provided for the buildings, industry and transportation programs.

2. The direction in the House report with respect to continuing fiscal year 1999 programs does not preclude the program eliminations and consolidations proposed in the budget request unless expressly identified to the contrary.

3. In addition to the development project identified in the Senate report, the amount provided for fuel cells for buildings includes $750,000 to continue the partnership established with Materials and Electrochemical Research Corporation to work on polymer electrolyte membrane (PEM) fuel cells in collaboration with the Oak Ridge National Laboratory.

4. Within the funds provided for the Industries of the Future petroleum program, the managers encourage the Department to continue support for research on the biocatalytic desulfurization of gasoline.

5. The reciprocating engine program should include the active involvement of the appropriate officials within the fossil energy program.

6. The increase for characterization of oxidation behavior is for rig testing in the turbine program, and the managers suggest that the Oak Ridge National Laboratory should be involved in this effort.

7. The managers understand the high priority the Department has placed on combustion and aftertreatment in the transportation program and have provided an increase in that program area. The managers are willing to consider a reprogramming request for additional funds if acceptable offsets are identified.

8. The managers expect the Department to support hybrid-electric buses by funding integration and refinement of advance hybrid-electric drive trains by bus makers and propulsion teams that have demonstrated the successful application of hybrid-electric drive trains in actual transit programs.

9. The managers encourage the Department to use the expertise of the Consortium for Advanced Transportation Technologies and its streamlined competitive, cost-shared procurement process across the various transportation programs.

10. The managers are encouraged by continued industry support for the hybrid lighting partnership and expect the Department to continue the program in fiscal year 2000.

11. The managers are concerned by reports that cost accounting standards and cost principles in the Federal Acquisition Regulations may be hindering contracting with certain commercial entities and expect the Department to submit a report by December 15, 1999 detailing problems in this area and making recommendations for addressing these problems in the future.

12. The $1,000,000 provided for a National Academy of Sciences study is for a retrospective examination of the costs and benefits of Federal research and development technologies in the areas of fossil energy and energy efficiency. The study should identify improvements that have occurred because of Federal funding for: (1) fossil energy production with regard to performance aspects such as efficiency of conversion into electricity, lower emissions to the environment and cost reduction; and (2) energy efficiency technologies with regard to more efficient use of energy, reductions in emissions and cost impacts in the industrial, transportation, commercial and residential sectors. If the full amount provided is not needed for this study, the House and Senate Committees on Appropriations should be notified of the available balance. None of these funds may be used to fund overhead costs or other energy conservation programs. The managers understand that the Department has an arrangement with the National Academy of Sciences that will streamline the procurement process and expect the Department to expedite the necessary paperwork to get this study underway within 30 days of enactment of this Act.

ECONOMIC REGULATION

The conference agreement provides $2,000,000 for economic regulation as proposed by both the House and the Senate.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides $159,000,000 for the strategic petroleum reserve as proposed by the Senate instead of $146,000,000 as proposed by the House. The managers have included bill language dealing with borrowing authority in the event of an SPR drawdown under this account as proposed by the Senate rather than addressing this provision under Administrative Provisions, Department of Energy as proposed by the House.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $72,644,000 for the energy information administration as proposed by the House instead of $70,500,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

The managers have included bill language directing the Secretary of Energy, in cooperation with the Administrator of the General Services Administration, to transfer the site of the former National Institute of Petroleum Energy Research to the city of Bartlesville, Oklahoma. The managers understand that the Department agrees that this is an appropriate way to dispose of this property that is no longer needed by the Department because of the privatization of NIPER.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $2,053,967,000 for Indian health services instead of $2,085,407,000 as proposed by the House and $2,138,001,000 as proposed by the Senate.

Changes to the House position in hospital and clinic programs include increases of $2,440,000 for the operation of Alaska facilities and $200,000 for epidemiology centers and decreases of $1,000,000 for the health care improvement fund and $110,000 for Shoalwater Bay infant mortality prevention.

There are also increases of $1,500,000 for dental services and $1,030,000 for public health nursing and a decrease of $500,000 for mental health services. For contract support costs, there are decreases of $5,000,000 for new and expanded contracts and $30,000,000 for existing contracts.

Bill Language.—The managers have included language permitting the use of Indian Health Care Improvement Fund monies for activities typically funded under the Indian Health Facilities account. The managers expect the Service to notify the House and Senate Committees on Appropriations on the distribution and use of these funds. A total of $10,000,000 has been provided.

The managers agree to the following:

1. The $4,000,000 provided for the Alaska telemedicine project is for the Alaska Federal Health Care Access Network.

2. The increase provided for epidemiology centers includes a $100,000 increase for the Portland, OR center. The managers are pleased with the state-of-the-art work done by this center and encourage the Service to use the expertise at the Portland center to assist the other epidemiology centers.

3. At least $1,000,000 of the program increase for dental health should be used to develop four clinical and preventive dental support centers.

4. Within the program increase for public health nursing, the Service should hire a nurse for the Havasupai, AZ clinic.

5. The managers continue to be concerned about the lack of a resolution to the contract support costs distribution disparity in IHS and the larger issue of whether tribes have an entitlement to full funding of these costs. The managers note the inherent conflict in the authorizing statute, which implies a 100 percent funding requirement while, at the same time, making these funds subject to appropriation. The Service is strongly encouraged to continue its work with the tribes and the legislative committees of jurisdiction in an effort to resolve the legislative discrepancies that exist currently and ensure that these costs can be funded fairly. The managers agree that it is irresponsible to continue to leave the Federal government vulnerable to litigation on this issue. Further, the managers believe strongly that any resolution to the issue should

not be made at the expense of funding for medical services and facilities for non-contracting and non-compacting tribes.

6. With respect to the House language on distribution of funds, the managers agree that fixed cost increases should be distributed equitably across all Service-operated and tribally-operated programs. Other program increases should not automatically be distributed on a pro-rata basis. For example, a $1,000,000 program increase distributed across all health programs would give each program an insignificant amount of additional funding. In such a case, the managers encourage the Service to select a very limited number of projects so that demonstrable results can be achieved. The managers suggest that the Service develop objective criteria for evaluating project proposals prior to the distribution of program-specific increases that are unrelated to fixed costs.

7. The managers are concerned about fetal alcohol syndrome and its impact on Indian families and Indian communities and believe there is a need for more collaborative efforts to address this important health problem. The managers suggest that the University of Washington's fetal alcohol syndrome research program should consider a partnership with the Northwest Portland Indian Health Board to provide more direct services to the American Indian and Alaska Native communities through training and consultation and collaborative analysis of the data surrounding fetal alcohol syndrome and fetal alcohol effect.

8. The managers encourage the Service to ensure that adequate funding is provided to support IHS and tribal epidemiological activities related to the surveillance and monitoring of AIDS/HIV and other communicable and infectious diseases.

INDIAN HEALTH FACILITIES

The conference agreement provides $318,580,000 for Indian health facilities instead of $312,478,000 as proposed by the House and $189,252,000 as proposed by the Senate.

Changes to the House position include increases of $1,500,000 for sanitation construction, $2,942,000 for the Parker, AZ clinic construction and $1,000,000 for Fort Defiance, AZ hospital construction and a decrease of $1,745,000 for the Pawnee, OK clinic design. There is also an increase of $2,405,000 for facilities and environmental health support.

Bill Language.—The managers have included several provisions to ensure that the facilities program is able to take advantage of certain purchase opportunities from other agencies and that construction projects can be successfully completed.

Language is included to assist the Hopi Tribe with the debt associated with the construction of staff quarters that is being financed with tribal funds.

Language is included permitting the use of up to $500,000 to purchase equipment from the Department of Defense and permitting the use of up to $500,000 to purchase ambulances, including medical equipment, from the General Services Administration.

Language is included permitting the use of up to $500,000 for demolition of Federal facilities.

Language is included permitting the purchase of up to 5 acres to expand the parking facilities at the IHS hospital in Tahlequah, OK.

The managers agree to the following:

1. The funds provided for Fort Defiance, AZ, hospital construction do not include staff quarters construction which is subject to the guidance provided in item number five below.

2. The funds for staff quarters at Zuni are for uniform building code approved modular housing.

3. The program increase provided for facilities and environmental health support is not specifically earmarked for individual programs; however, it is the expectation of the managers that a portion of the total increase will be dedicated to injury prevention efforts. The Service should notify the House and Senate Committees on Appropriations on how the Service proposes to distribute these funds.

4. Within the funds provided for maintenance and improvement, $1,000,000 is to be used for environmental remediation at Talihina, OK.

5. The Service needs to develop a standardized methodology for construction of staff quarters. That methodology should assume the use of uniform building code approved modular housing unless there is a compelling reason why such housing is not appropriate. The methodology should be applied fairly to all quarters projects on the priority list and should encourage tribal funding and alternative financing. The managers expect the Service to address the new methodology in their 2001 budget request.

6. The Service may use up to $5,000,000 in sanitation funding for projects to clean up and replace open dumps on Indian lands pursuant to the Indian Lands Open Dump Cleanup Act of 1994.

7. The managers expect the Service to work closely with the tribes and the Administration to make needed revisions to the facilities construction priority system. Given the extreme need for new and replacement hospitals and clinics, there should be a base funding amount, which serves as a minimum annual amount in the budget request. Issues which need to be examined in revising the current system include, but are not limited to, projects funded primarily by the tribes, anomalies such as extremely remote locations like Havasupai, recognition of projects that involve no or minimal increases in operational costs such as the Portland area pilot project, and alternative financing and modular construction options. It is the managers' intent that in asking the Service to re-examine the current system for construction of health facilities, a more flexible and responsive program can be developed that will more readily accommodate the wide variances in tribal needs and capabilities.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides $8,000,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the Senate instead of $13,400,000 as proposed by the House.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The conference agreement provides $2,125,000 for payment to the institute instead of the $4,250,000 proposed by the Senate and zero funding as proposed by the House.

The managers have provided $2,125,000 to the institute with the understanding that these funds are subject to a one-to-one match from non-Federal sources. In addition, the managers note that this is the last year that Federal funding will be provided for institute operations.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The conference agreement provides $372,901,000 for salaries and expenses instead of $371,501,000 as proposed by the House and $367,062,000 as proposed by the Senate. Included in this amount is $18,329,000 to fund fully the estimated cost increases associated with pay and benefits, utilities, communications and postage, rental space, and implementation of the Panama Canal Treaty at the Tropical Research Institute. A revised estimate of utilities costs by the Smithsonian has resulted in a decrease of $1,100,000 from the original budget submission and is reflected in the foregoing total. In agreement with the House, an additional amount of $5,000,000 is provided to the National Museum of the American Indian to meet anticipated expenses that will be incurred in moving staff and collections from New York City to the Cultural Resources Center in Suitland, Maryland. An additional amount of $2,500,000 is provided to the National Museum of Natural History's Arctic Studies Center. A provision included in the House bill that would allow federal appropriations designated for lease or rent payments to be used as rent payable to the Smithsonian and deposited in the Institution's general trust fund account has been retained in the conference report.

REPAIR, REHABILITATION AND ALTERATION OF FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides an amount of $47,900,000 to fund activities in this account, as proposed by the House and agreed to by the Senate. Within this total, $6,000,000 is provided specifically for repairs and improvements at the National Zoological Park. The managers have agreed to the proposal put forward by the Smithsonian to consolidate their previous budget structure, whereby separate accounts for Zoo Construction and Improvements, Repair and Restoration of Buildings, as well as the Alterations and Modifications portion of the Construction account, have been merged to one broad account designated as Repair, Rehabilitation and Alteration of Facilities. In agreeing to the proposal, the managers want to underscore the Institution's responsibility for ensuring that future budget estimates provided to the Committees on Appropriations contain sufficiently detailed information for the various activities covered by this new account. In addition, the managers direct the Smithsonian Institution to provide the Committees on Appropriations with a report to be submitted annually by December 1, which details expenditures, obligations and remaining balances for this account from the previous fiscal year.

CONSTRUCTION

The conference agreement provides $19,000,000 for construction as proposed by both the House and the Senate. With this appropriation, the Congress has fulfilled its commitment to provide Federal funding for construction of the National Museum of the American Indian on the National Mall in Washington, D.C.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

The conference agreement includes a modification of language included in the House bill that will permit the Smithsonian to make minimal necessary repairs to the Holt House.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

The conference agreement provides $61,538,000 for salaries and expenses of the National Gallery of Art as proposed by the House instead of $61,438,000 as proposed by the Senate.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $6,311,000 for repair, restoration and renovation of buildings as proposed by both the House and the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

The conference agreement provides $14,000,000 for operations and maintenance as proposed by the Senate instead of $12,441,000 as proposed by the House.

CONSTRUCTION

The conference agreement provides $20,000,000 for construction as proposed by both the House and Senate.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

The conference agreement provides $6,790,000 for salaries and expenses of the Wilson Center instead of $7,040,000 as proposed by the House and $6,040,000 as proposed by the Senate. Funds should be distributed as follows:

Fellowship program	$983,000
Scholar support	705,000
Public service	1,897,000
Administration	1,796,000
Smithsonian fee	135,000
Conference/Outreach	1,109,000
Building requirements	165,000

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

The conference agreement provides $85,000,000 for grants and administration instead of $83,500,000 as proposed by the House and $90,000,000 as proposed by the Senate. The managers have agreed to the Senate proposal to redirect $1,500,000 from matching grants to program grants.

MATCHING GRANTS

The conference agreement provides $13,000,000 for matching grants as proposed by the Senate instead of $14,500,000 as proposed by the House. The managers have agreed to the Senate proposal to redirect $1,500,000 from matching grants to program grants.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

The conference agreement provides $101,000,000 for grants and administration as proposed by the Senate instead of $96,800,000 as proposed by the House. The managers note the National Endowment for the Humanities has for several years supported important efforts to preserve disintegrating books, periodicals and other published materials. While the Endowment acknowledges that other elements of our culture and heritage—such as films and sound recordings–are also at risk, its efforts in these areas have been considerably less. The managers are concerned that much of the musical heritage of the nation–as represented by early sound recordings–is irrevocably lost with each passing year. Consequently, the managers strongly encourage the National Endowment for the Humanities to strengthen and expand its support of efforts to preserve the rich and important heritage of early sound recordings. Within this effort, the NEH is encouraged to place emphasis on such traditional music forms as folk, jazz and the blues. The managers request that the National Endowment for the Humanities provide a report to the House and Senate Committees on Appropriations by March 30, 2000, detailing the state by state distribution of the various grants and other NEH funding.

MATCHING GRANTS

The conference agreement provides $14,700,000 for matching grants as proposed by the Senate instead of $13,900,000 as proposed by the House.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

The conference agreement provides $24,400,000 for the Office of Museum Services as proposed by the House instead of $23,905,000 as proposed by the Senate. The managers agree to the funding proposed by the House for program administration and agree that the remaining funding increase above that provided in fiscal year 1999 should be designated for national leadership grants for museums.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

The conference agreement provides $1,005,000 for the Commission of Fine Arts instead of $935,000 as proposed by the House and $1,078,000 as proposed by the Senate. The managers have agreed to the House proposal to provide one-year authority for the Commission to charge fees to cover publication costs and use the fees without subsequent appropriation. The managers agree to all House report language.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The conference agreement provides $7,000,000 for National Capital Arts and Cultural Affairs as proposed by both the House and the Senate.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

The conference agreement provides $3,000,000 as proposed by the House instead of $2,906,000 as proposed by the Senate.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $6,312,000 as proposed by both the House and the Senate. The managers have agreed to the Senate proposal to provide one-year authority for appointed members of the Commission to be compensated in a manner similar to other Federal boards and commissions.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

The conference agreement provides $33,286,000 for the Holocaust Memorial Council as proposed by both the House and the Senate.

The United States Holocaust Memorial Council was established in 1980 to support the planning and construction of a permanent, living memorial museum to the victims of the Holocaust. Having opened in 1993, the United States Holocaust Memorial Museum has achieved remarkable success. Following these first six years of operation, the House Appropriations Committee requested the National Academy of Public Administration (NAPA) to conduct a review of the Council and the Museum. NAPA has completed its report and included a number of recommendations to improve the operation and management of the two entities that will set them on a strong course to ensure future success. The managers strongly support the NAPA findings and recommendations and urge the entities to include those reforms that require statutory changes in a reauthorization bill to the Congress by the opening of the second session of the 106th Congress. Further, the managers expect the organizations to implement fully the administrative changes recommended in the report by February 15, 2000 and to report to the Committees on Appropriations on the completion of their implementation by March 1, 2000.

PRESIDIO TRUST

PRESIDIO TRUST FUND

The conference agreement provides $44,400,000 for the Presidio Trust as proposed by both the House and the Senate.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301 through 306, sections 308 through 319, section 321 and section 325 from the Senate bill, which continue provisions carried in past years. Section 314 adds a reference to Alaska for the Jobs-in-the-Woods program as proposed by the Senate.

Section 307 makes permanent the provision on compliance with the Buy American Act, which was included in the House bill as section 306. The Senate had extended the provision for one year.

Section 320 continues the provision contained in the bill in previous years regarding outreach efforts to rural and underserved communities by the NEA, as amended by the House to include urban minorities.

Section 322 continues the limitation on funding for completion and issuance of the five-year program under the Forest and Rangeland Renewable Resources Planning Act as proposed by the Senate. The House had no similar provision.

Section 323 prohibits the use of funds to support government-wide administrative functions unless they are in the budget justification and approved by the House and Senate Committees on Appropriations as proposed by the House. The Senate had no similar provision.

Section 324 modifies a provision proposed by the House prohibiting the use of funds for certain programs. The modification retains the limitation on the use of funds for General Services Administration Telecommunications Centers and for the President's Council on Sustainable Development and deletes the limitation dealing with the National Telecommunications and Information Administration. The Senate had no similar provision.

Section 326 continues the moratorium on new or expanded Indian self-determination and self-governance contracts and compacts with the Bureau of Indian Affairs and Indian Health Service as proposed by the Senate in section 324. The House had no similar provision.

Section 327 retains the text of section 324 as proposed by the House and section 325 as proposed by the Senate which permits the Forest Service to use the roads and trails fund for backlog maintenance and priority forest health treatments.

Section 328 prohibits the establishment of a national wildlife refuge in the Kankakee watershed in northwestern Indiana and northeastern Illinois as proposed by the House in section 325. The Senate had no similar provision.

Section 329 modifies language proposed by the House in Section 326 concerning the American Heritage Rivers initiative. The modified language still specifically prevents funds from being transferred or used to support the Council on Environmental Quality

for purposes related to this program, but the language no longer prevents headquarters or departmental activities for these purposes. The managers note that the Council on Environmental Quality, as part of the Executive Office of the President, is funded through a different appropriations bill to cover all of its program needs, including those associated with the American Heritage Rivers initiative. The managers do not object to the agencies covered by this bill from participating in this initiative if it is a normal part of their programs. In fact, the technical assistance programs funded in this bill are intended to help respond to local initiatives and needs. The managers encourage maximum cost-sharing and expect the agencies to emphasize field-level accomplishments rather than headquarters or regional office bureaucratic efforts.

Section 330 modifies language proposed by the House in section 327 restricting the use of answering machines during core business hours except in case of emergency. The modification requires that there be an option that permits the caller to reach immediately another individual. The American taxpayer deserves to receive personal attention from public servants. The Senate had no similar provision.

Section 331 modifies a provision proposed by the House concerning Forest Service administration of rights-of-way and land uses. The Senate had no similar provision. The modification retains most of the language proposed by the House, with technical modifications, but the provision now makes this a five-year pilot program and requires annual reports to the House and Senate Committees on Appropriations summarizing activities and funds involved during the previous year. The managers direct the Forest Service to follow the instructions proposed by the House regarding this provision. The managers and the authorizing committees of jurisdiction will review this pilot program and determine subsequently if it warrants permanent authority.

Section 332 modifies a provision included in the fiscal year 1999 act regarding the Institute of Hardwood Technology Transfer and Applied Research to make the related authorities permanent as proposed by the Senate in section 326. The House had no similar provision.

Section 333 continues a program by which Alaska's surplus western red cedar is made available preferentially to U.S. domestic mills outside Alaska, prior to export abroad as proposed by the Senate in section 327. The House had no similar provision.

Section 334 modifies the Senate-proposed section 328 concerning Forest Service and Bureau of Land Management inventorying, monitoring and surveying requirements. The House had no similar provision. The modification makes it clear that the extent of inventory, monitoring and surveying required for the Forest Service and the Bureau of Land Management to comply with their planning regulations is solely at the discretion of the respective Secretaries. The modified language does not require either agency to engage in any particular activities. The modified language concerning the definition of record-of-decision implementation is consistent with the arguments made by this Administration in recent litigation.

Section 335 includes language regarding reports on the feasibility and cost of implementing the Interior Columbia Basin Ecosystem Management Project as proposed by the House in section 329. The Senate proposed similar language in section 330.

The conference agreement does not include section 330 as proposed by the House which would have provided authority for breastfeeding in the National Park Service, the Smithsonian, the John F. Kennedy Center, the Holocaust Memorial Museum and the National Gallery of Art. A separate appropriations bill funding general government programs includes a similar provision, but one that is broader in its application. The Senate bill had no similar provision.

Section 336 prohibits the use of funds to propose or issue rules, regulations, decrees or orders for implementing the Kyoto Protocol prior to Senate ratification as proposed by the House in section 331. The Senate had no similar provision.

The conference agreement does not include House proposed bill language included under section 333 prohibiting the use of funds to directly construct timber access roads in the National Forest System. The Senate had no similar provision.

The conference agreement does not include either the across the board cut proposed by the House in section 333 or the across the board cut proposed by the Senate in section 348.

Section 337 modifies language proposed by the House in section 334 and the Senate in section 335 regarding patent applications. The modification exempts from the Solicitor's opinion of November 7, 1997 grandfathered patent applications, mining operations with approved plans of operation, and operations with approved plans that are seeking modifications or amendment to those plans. The managers strongly feel that it is inequitable to apply the Solicitor's millsite opinion to those properties since the Department of the Interior and the Forest Service have been approving and modifying plans of operations routinely for years without raising an issue with operators about the ratio of millsites to claims. The Departments of the Interior and Agriculture may not implement the millsite opinion for existing or planned operations that need to amend or modify their plans of operation. Further, the managers direct that the Departments of the Interior and Agriculture not reopen decisions already made and relied upon by stakeholders when approving these plans. Lastly, for clarity, the managers note that the term property as used in this section is intended to encompass the specific geographic area included within a plan of operation that has been approved on, or submitted prior to May 21, 1999, regardless of the type of claim or millsite.

The managers have not included language proposed by the House in section 335 prohibiting certain uses of leghold traps and neck snares within the National Wildlife Refuge system.

The managers have not included language as proposed by the House in section 336 that would prohibit implementation of certain portions of the Gettysburg NMP general management plan.

Section 338 modifies a Senate provision in section 330 concerning consistency among federal land managing agencies for the exemption to the Service Contract Act for concession contracts. The modified language deals only with the Forest Service and applies only in fiscal year 2000. The House had no similar provision.

Section 339 modifies section 331 as proposed by the Senate regarding the establishment of a five-year pilot program for the Forest Service to collect fair market value for forest botanical products. The House had no similar provision. The provision is modified to clarify the definition of forest botanical products, to ensure that the harvest of such products will be sustainable, to exempt some personal use harvest from fee collection at the discretion of the agency, and to return a portion of the funds collected to the national forest unit at which they are generated. The managers want to encourage the development of appropriate small-scale industries but also ensure that the Forest Service carefully manages this program so that plants and fungi are not over-collected. This provision has been modified so that the funds which exceed the level collected in fiscal year 1999 can be used right away rather than delaying expenditure of the funds until fiscal year 2001 as proposed by the Administration and the Senate. Fees will be returned to the forest unit where they are generated and will be used to provide for program administration, inventory, monitoring, sustainable harvest level and impact of harvest determination and restoration activities. The Forest Service is encouraged to develop harvest guidelines that cover species ranges so sharing of fees among units may be required to properly deal with wide-ranging species.

Section 340 includes the Senate-proposed section extending the authorization for the Forest Service to provide funds to Auburn University, AL, for construction of a nonfederal building. The House bill had no similar provision.

Section 341 modifies the Senate-proposed section 333 dealing with Forest Service stewardship end-results contracting. The modification retains the Senate proposal to provide the Northern region with nine additional projects. The modified provision also includes technical changes to the language which authorized the pilot program. These changes make it clear that the Forest Service can enter into a contract or agreement with either a public or private entity; that an agreement as opposed to a contract can be the primary vehicle for implementing a pilot project; and there is a national limit on projects, as opposed to contracts. This will allow, if necessary, use of more than one contract to implement a project. The House bill had no similar provision.

The conference agreement does not include Senate proposed bill language included under section 335 that provides that residents living within the boundaries of the White Mountain National Forest are exempt from certain user fees. The House bill had no similar provision.

Section 342 modifies the Senate-proposed section 336 dealing with special use fees paid for recreation residences on Forest Service managed lands. This provision supersedes section 343 of P.L. 105–83 and limits fee increases during fiscal year 2000 to $2,000 per permit. The House had no similar provision.

Section 343 modifies language in section 337 of the Senate bill to provide a protocol designed to facilitate the acquisition of lands within the Columbia River Gorge National Scenic Area by encouraging the Secretary of Agriculture to consummate certain land acquisitions that have been delayed by issues other than disagreement over fair market value. On potential acquisitions that have been delayed because of a disagreement over fair market value, the Secretary shall engage willing landowners in an arbitration process that is designed to be completed before July 15, 2000.

Section 344 provides that the Forest Service may not use the Recreation Fee Demonstration program to supplant existing recreation contracts on the national forests

as proposed by the Senate in section 338. The House bill had no similar provision.

Section 345 amends the National Forest-Dependent Rural Communities Economic Diversification Act, as proposed by the Senate in section 339, to make Forest Service grasslands eligible for economic recovery funding. The House bill had no similar provision.

Section 346 amends the Interstate 90 Land Exchange Act of 1998 to place the title to certain lands in Plum Creek, Washington, in escrow for a three-year period pending the outcome of an appraisal process as proposed by the Senate in section 340. The House had no similar provision.

Section 347 adjusts the boundary of the Snoqualmie National Forest as proposed by the Senate in section 341. The House had no similar provision.

Section 348 amends the Food Security Act to protect the confidentiality of Forest Inventory and Analysis data on private lands as proposed by the Senate in section 342. The House bill had no similar provision.

Section 349 provides, as proposed by the Senate in section 343, that none of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof. The managers expect the Department to adhere to existing law governing energy conservation and efficiency in implementing the Federal Energy Management Program. The House had no similar provision.

The conference agreement does not include Senate proposed bill language included under section 344 directing the Forest Service to use funds to improve the control or eradication of pine beetles in the Rocky Mountain region of the United States. The managers have provided direction on this matter under the Forest Service heading.

The conference agreement does not include Senate proposed bill language included under section 346 prohibiting the use of funds for certain activities on the Shawnee National Forest, IL.

Section 350 prohibits the use of funds made available by the act for the physical relocation of grizzly bears into the Selway-Bitterroot Wilderness of Idaho and Montana as proposed by the Senate in section 345. The House bill had no similar provision. The managers understand that this provision will not interfere with the Fish and Wildlife Service's plans for the program in fiscal year 2000.

Section 351 directs that up to $1,000,000 of Bureau of Land Management funds be used to fund high priority projects to be conducted by the Youth Conservation Corps as proposed by the Senate in section 347. The House bill had no similar provision.

Section 352 makes a permanent appropriation for the North Pacific Research Board. To date, these funds have been subject to appropriation.

Section 353 prohibits the withdrawal of certain lands on the Mark Twain NF, MO, from mining activities and prohibits the issuance of new prospecting permits. The House had no similar provision.

Section 354 makes a minor technical modification to a previously established pilot program; this modification authorizes the Bureau of Land Management and the Forest Service to establish transfer appropriation accounts in order to facilitate efficient inter-agency fund transfers. The managers support the pilot effort of the two agencies to accomplish mutually beneficial management of respective lands and request that the agencies provide a combined report to the House and Senate Committees on Appropriations on the use of these accounts by June 30, 2000.

Section 355 provides for an extension of the public comment period for the White River National Forest, CO, forest plan revision for ninety days past the February 9, 2000, deadline currently in place.

Section 356 provides direction to the National Capital Planning Commission concerning a certain easement and other matters regarding the National Harbor project, MD.

Section 357 directs the Department of the Interior to provide a detailed plan for implementation of the National Academy of Sciences report on hard rock mining regulations, and continues the moratorium on issuing final hard rock mining regulations through fiscal year 2000.

TITLE IV

The conference agreement includes the Mississippi National Forest Improvement Act of 1999. This new bill language provides for the sale of surplus Forest Service research property and other surplus administrative sites in Mississippi; facilitates a cooperative agreement between the Forest Service and the University of Mississippi; and facilitates a land exchange on the Homochitto National Forest for the Franklin County Dam.

TITLE V

UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND

Title V provides an emergency transfer of interest earned by the Abandoned Mine Reclamation Fund to the United Mine Workers of America Combined Benefit Fund. The Abandoned Mine Reclamation Fund was established by the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231). The Abandoned Mine Land Reclamation Act of 1990 provides for the investment of the unappropriated balances of the fund and the crediting of earned interest to the Abandoned Mine Reclamation Fund. The Coal Industry Retiree Health Benefit Act of 1992 (26 U.S.C. 9701–9722) was included as part of the Energy Policy Act of 1992 and provides for an annual transfer of part of the interest earned by the Abandoned Mine Reclamation Fund to the United Mine Workers of America Combined Benefit Fund.

The transfer of funds provided by this title is in response to rising health care costs and recent court decisions which have combined to seriously erode the solvency of the United Mine Workers of America Combined Benefit Fund. Consequently, the Trustees of the Fund have determined that without the relief provided by this section, cuts in health care benefits to the more than 66,000 retired miners and their dependents throughout the nation are imminent.

The managers recognize that the emergency transfer provided by this title is not the long-term answer to the financial problems associated with the United Mine Workers of America Combined Benefit Fund. The managers expect that the legislation necessary to remedy the financial problems of the United Mine Workers of America Combined Benefit Fund will be taken up by the legislative committees of jurisdiction and will be enacted into law in a timely manner. The managers urge the committees of jurisdiction to work with miners and the contributing companies in ensuring the long-term solvency of the fund. The managers firmly believe that the best long-term solution to the financial problems associated with the fund must include a review of and action on appropriate adjustments to private sector contributions to the fund, including contributions currently being made by the so-called ''reach back'' companies. At the same time, the managers also recognize that the long-term solution for the fund should cover all eligible retired miners and their dependents, including the unassigned beneficiaries, as provided for in current law.

The more than 66,000 elderly retired miners and their dependents should not again be brought to the precipice, not knowing whether the Federal Government will continue to meet fully its commitment to provide their health care benefits, as provided in the Coal Industry Retiree Health Benefits Act of 1992.

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
100	TITLE I - DEPARTMENT OF THE INTERIOR				
150	BUREAU OF LAND MANAGEMENT				
200	Management of Lands and Resources				
250	Land Resources				
300	Soil, water and air management	30,387	32,306	33,256	+2,869
350	Range management	56,323	67,217	66,667	+10,344
400	Forestry management	5,801	6,966	6,966	+1,165
450	Riparian management	20,441	21,181	20,981	+540
500	Cultural resources management	13,084	13,740	13,460	+376
550	Wild horse and burro management	18,878	19,970	19,970	+1,092
600	Subtotal, Land Resources	144,914	161,380	161,300	+16,386
650	Wildlife and Fisheries				
700	Wildlife management	22,214	24,160	23,910	+1,696
750	Fisheries management	9,549	10,528	11,628	+2,079
800	Subtotal, Wildlife and Fisheries	31,763	34,688	35,538	+3,775
850	Threatened and endangered species	17,419	18,853	18,903	+1,484
900	Recreation Management				
950	Wilderness management	15,873	16,290	16,290	+417
1000	Recreation resources management	31,634	32,827	33,807	+2,173
1050	Recreation operations (fees)	2,568	2,636	1,306	-1,262
1100	Subtotal, Recreation Management	50,075	51,753	51,403	+1,328
1150	Energy and Minerals				
1200	Oil and gas	53,764	55,326	58,076	+4,312
1250	Coal management	7,188	7,527	7,377	+189
1300	Other mineral resources	8,992	9,377	9,227	+235
1350	Subtotal, Energy and Minerals	69,944	72,230	74,680	+4,736
1400	Alaska minerals	3,092	2,147	2,147	-945
1450	Realty and Ownership Management				
1500	Alaska conveyance	31,131	29,487	33,887	+2,756
1550	Cadastral survey	12,312	14,668	13,318	+1,006
1600	Land and realty management	30,139	30,952	30,952	+813
1650	Subtotal, Realty and Ownership Management	73,582	75,107	78,157	+4,575

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
1700	Resource Protection and Maintenance				
1750	Resource management planning	6,444	6,613	6,613	+169
1800	Facilities maintenance	41,758	---	---	-41,758
1850	Resource protection and law enforcement	10,822	11,106	11,106	+284
1900	Hazardous materials management	15,664	16,376	16,076	+412
1950	Subtotal, Resource Protection and Maintenance	74,688	34,095	33,795	-40,893
2000	Transportation and Facilities Maintenance				
2050	Operations	---	6,150	6,150	+6,150
2100	Annual maintenance	---	30,006	28,506	+28,506
2150	Deferred maintenance	---	12,700	11,648	+11,648
2200	Subtotal, Transportation/Facilities Maintenance	---	48,856	46,304	+46,304
2250	Land and resources information systems	27,916	19,130	19,130	-8,786
2300	Mining Law Administration				
2350	Administration	32,650	33,529	33,529	+879
2450	Offsetting fees	-32,650	-33,529	-33,529	-879
2500	Subtotal, Mining Law Administration	---	---	---	---
2550	Workforce and Organizational Support				
2600	Information systems operations	15,430	15,835	15,835	+405
2650	Administrative support	45,683	47,240	47,240	+1,557
2700	Bureauwide fixed costs	58,005	59,786	59,786	+1,781
2750	Subtotal, Workforce and Organizational Support	119,118	122,861	122,861	+3,743
2900	Total, Management of Lands and Resources	612,511	641,100	644,218	+31,707
2950	Wildland Fire Management				
3000	Wildland fire preparedness	156,895	175,850	162,399	+5,504
3050	Wildland fire operations	130,000	130,000	129,883	-117
3100	Total, Wildland Fire Management	286,895	305,850	292,282	+5,387
3150	Central Hazardous Materials Fund				
3200	Bureau of Land Management	10,000	11,350	10,000	---

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
3250	Construction				
3300	Construction	10,997	8,350	11,425	+428
3450	Payments in Lieu of Taxes				
3500	Payments to local governments	125,000	125,000	135,000	+10,000
3550	Land Acquisition				
3600	Land Acquisition				
3650	Acquisitions	10,800	44,900	12,000	+1,200
3700	Emergencies and hardships	800	981	500	-300
3750	Acquisition management	3,000	3,019	3,000	---
3800	Total, Land Acquisition	14,600	48,900	15,500	+900
3850	Oregon and California Grant Lands				
3900	Western Oregon resources management	79,103	81,805	80,880	+1,777
3950	Western Oregon information and resource data systems	2,110	2,159	2,159	+49
4000	Western Oregon facilities maintenance	9,954	---	---	-9,954
4050	Western Oregon transportation & facilities maintenance	---	11,686	10,186	+10,186
4100	Western Oregon construction and acquisition	279	285	285	+6
4150	Jobs in the woods	5,591	5,715	5,715	+124
4250	Total, Oregon and California Grant Lands	97,037	101,650	99,225	+2,188
4300	Range Improvements				
4350	Improvements to public lands	8,361	8,361	8,361	---
4400	Farm Tenant Act lands	1,039	1,039	1,039	---
4450	Administrative expenses	600	600	600	---
4500	Total, Range Improvements	10,000	10,000	10,000	---
4550	Service Charges, Deposits, and Forfeitures				
4600	Rights-of-way processing	3,500	4,000	4,000	+500
4650	Adopt-a-horse program	1,200	1,125	1,125	-75
4700	Repair of damaged lands	1,300	1,220	1,220	-80
4750	Cost recoverable realty cases	415	415	415	---
4800	Timber purchaser expenses	240	240	240	---
4850	Copy fees	1,400	1,800	1,800	+400
4900	Total, Service Charges, Deposits & Forfeitures	8,055	8,800	8,800	+745

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
4950	Miscellaneous Trust Funds				
5000	Current appropriations	8,800	7,700	7,700	-1,100
5050	TOTAL, BUREAU OF LAND MANAGEMENT	1,183,895	1,268,700	1,234,150	+50,255

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
5100	UNITED STATES FISH AND WILDLIFE SERVICE				
5150	Resource Management				
5200	Ecological Services				
5250	Endangered species				
5300	Candidate conservation	6,753	8,316	7,416	+663
5350	Listing	5,756	7,532	6,232	+476
5400	Consultation	27,231	37,365	32,465	+5,234
5450	Recovery	66,077	56,725	57,582	-8,495
5500	ESA landowner incentive program	5,000	5,000	5,000	---
5550	Subtotal, Endangered species	110,817	114,938	108,695	-2,122
5600	Habitat conservation	63,753	73,619	71,712	+7,959
5650	Environmental contaminants	9,338	10,193	10,043	+705
5700	Subtotal, Ecological Services	183,908	198,750	190,450	+6,542
5750	Refuges and Wildlife				
5800	Refuge operations and maintenance	237,235	264,337	262,037	+24,802
5850	Salton Sea recovery	1,000	1,000	1,000	---
5860	Migratory bird management	19,125	21,877	21,877	+2,752
5900	Law enforcement operations	36,943	39,905	39,405	+2,462
6000	Subtotal, Refuges and Wildlife	294,303	327,119	324,319	+30,016
6050	Fisheries				
6100	Hatchery operations and maintenance	39,527	40,524	44,824	+5,297
6150	Lower Snake River compensation fund	11,648	11,701	11,701	+53
6200	Fish and wildlife management	22,387	27,576	29,072	+6,685
6250	Subtotal, Fisheries	73,562	79,801	85,597	+12,035
6300	General Administration				
6350	Central office administration	14,065	15,214	14,914	+849
6400	Regional office administration	23,210	24,024	24,024	+814
6450	Servicewide administrative support	45,354	46,858	46,858	+1,504
6500	National Fish and Wildlife Foundation	6,000	7,000	6,750	+750
6550	National Conservation Training Center	13,950	14,928	15,128	+1,178
6600	International affairs	6,784	10,306	8,006	+1,222
6650	Subtotal, General Administration	109,363	118,330	115,680	+6,317
6750	Total, Resource Management	661,136	724,000	716,046	+54,910

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
6800	Construction				
6850	Construction and rehabilitation				
6900	Line item construction	44,211	35,517	47,146	+2,935
6950	Construction management	6,242	8,052	7,437	+1,195
7000	Emergency appropriations	37,612	---	---	-37,612
7100	Total, Construction	88,065	43,569	54,583	-33,482
7150	Land Acquisition				
7200	Fish and Wildlife Service				
7250	Acquisitions - Federal refuge lands	36,774	60,860	39,513	+2,739
7300	Inholdings	750	1,000	750	---
7350	Emergency and hardship	1,000	1,000	1,000	---
7400	Acquisition management	8,500	9,772	8,500	---
7450	Exchanges	1,000	1,000	750	-250
7500	Total, Land Acquisition	48,024	73,632	50,513	+2,489
7550	Cooperative Endangered Species Conservation Fund				
7600	Grants to States	7,520	50,520	7,520	---
7650	HCP land acquisition	6,000	26,000	8,000	+2,000
7700	Conservation planning assistance	---	2,000	---	---
7750	Administration	480	1,480	480	---
7800	Total, Cooperative Endangered Species Fund	14,000	80,000	16,000	+2,000

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
7850	National Wildlife Refuge Fund				
7900	Payments in lieu of taxes	10,779	10,000	10,779	---
7950	North American Wetlands Conservation Fund				
8000	Wetlands conservation	14,360	14,402	14,402	+42
8010	Administration	640	598	598	-42
8100	Total, North American Wetlands Conservation Fund	15,000	15,000	15,000	---
8150	Wildlife Conservation and Appreciation Fund				
8200	Wildlife conservation and appreciation fund	800	800	800	---
8250	Multinational Species Conservation Fund				
8300	African elephant conservation	1,000	970	1,000	---
8350	Rhinoceros and tiger conservation	500	970	700	+200
8400	Asian elephant conservation	500	970	700	+200
8450	Administration	---	90	---	---
8500	Total, Multinational Species Conservation Fund	2,000	3,000	2,400	+400
8510	Commercial salmon fishery capacity reduction	---	---	5,000	+5,000
8550	TOTAL, U.S. FISH AND WILDLIFE SERVICE	839,804	950,001	871,121	+31,317
8600	NATIONAL PARK SERVICE				
8650	Operation of the National Park System				
8700	Park Management				
8750	Resource stewardship	228,819	266,775	255,399	+26,580
8800	Visitor services	301,238	319,806	318,970	+17,732
8850	Maintenance	411,930	441,081	432,923	+20,993
8900	Park support	238,929	251,880	248,482	+9,553
8950	Subtotal, Park Management	1,180,916	1,279,542	1,255,774	+74,858
9000	External administrative costs	104,688	110,085	109,285	+4,597
9050	Emergency appropriations	2,320	---	---	-2,320
9100	Total, Operation of the National Park System	1,287,924	1,389,627	1,365,059	+77,135

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
9150	National Recreation and Preservation				
9200	Recreation programs	515	533	533	+18
9250	Natural programs	9,088	12,840	10,090	+1,002
9300	Cultural programs	19,056	20,164	19,614	+558
9350	International park affairs	1,671	1,849	1,699	+28
9400	Environmental and compliance review	358	373	373	+15
9450	Grant administration	1,751	1,819	1,819	+68
9500	Heritage Partnership Programs				
9550	Commissions and grants	5,000	5,250	6,000	+1,000
9600	Technical support	859	886	886	+27
9650	Subtotal, Heritage Partnership Programs	5,859	6,136	6,886	+1,027
9700	Statutory or Contractual Aid				
9750	Alaska Native culture center	750	---	750	---
9800	Aleutian World War II Historic Area	100	---	800	+700
9810	Automobile Heritage Area	---	---	300	+300
9850	Blackstone River Corridor	324	324	450	+126
9900	Brown Foundation	102	102	102	---
9950	Dayton Aviation Heritage Commission	48	48	48	---
10000	Delaware and Lehigh Navigation Canal	329	329	450	+121
10050	Ice Age National Scientific Reserve	806	806	806	---
10100	Illinois and Michigan Canal National Heritage				
10150	Corridor Commission	239	242	242	+3
10200	Johnstown Area Heritage Association	50	50	50	---
10250	Lackawanna Heritage	450	---	450	---
10350	Mandan On-a-Slant Village	250	---	400	+150
10400	Martin Luther King, Jr. Center	534	534	534	---
10450	National Constitution Center, PA	500	500	500	---
10500	National First Ladies Library	300	---	300	---
10550	National underground railroad	500	---	---	-500
10600	Native Hawaiian culture and arts program	750	750	750	---
10650	New Orleans Jazz Commission	67	67	67	---
10700	Quinebaug-Shetucket National Heritage Preservation				
10750	Commission	200	200	250	+50
10800	Roosevelt Campobello International Park Commission	670	670	670	---
10810	Sewall-Belmont House	---	---	500	+500
10850	Southwestern Penn. Heritage Preservation Commission	158	---	---	-158
10900	Vancouver National Historic reserve	400	---	400	---
10950	Wheeling National Heritage Area	400	---	600	+200
10960	Chesapeake Bay Gateway	---	---	600	+600
10970	Oklahoma City National Memorial	---	---	866	+866
11000	Subtotal, Statutory or Contractual Aid	7,927	4,622	10,885	+2,958

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
11010	Urban parks	---	---	2,000	+2,000
11050	Total, National Recreation and Preservation	46,225	48,336	53,899	+7,674
11100	Historic Preservation Fund				
11150	Grants-in-aid	42,412	50,512	---	-42,412
11160	State historic preservation offices	---	---	31,894	+31,894
11170	Tribal grants	---	---	2,596	+2,596
11180	Historically Black colleges	---	---	10,722	+10,722
11250	Grants for millennium initiative	30,000	30,000	30,000	---
11300	Total, Historic Preservation Fund	72,412	80,512	75,212	+2,800
11350	Construction				
11450	Emergency and unscheduled housing	15,000	14,000	3,500	-11,500
11500	Equipment replacement	15,402	19,865	18,000	+2,598
11550	Planning, construction	16,370	10,195	15,940	-430
11600	General management plans	7,725	8,725	9,225	+1,500
11650	Line item construction and maintenance	171,561	118,175	154,788	-16,773
11750	Pre-planning and supplementary services	---	4,500	4,500	+4,500
11800	Construction program management	---	17,100	17,100	+17,100
11850	Emergency appropriations	13,680	---	---	-13,680
11910	Dam safety	---	1,440	1,440	+1,440
11950	Total, Construction	239,738	194,000	224,493	-15,245
12000	Land and Water Conservation Fund				
12050	(Rescission of contract authority)	-30,000	-30,000	-30,000	---
12100	Land Acquisition and State Assistance				
12150	Assistance to States				
12160	State grants	---	---	20,000	+20,000
12200	Administrative expenses	500	1,000	1,000	+500
12210	Total, Assistance to States	500	1,000	21,000	+20,500

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
12250	National Park Service				
12300	Acquisitions	134,425	152,468	84,700	-49,725
12350	Emergencies and hardships	3,000	4,000	3,000	---
12400	Acquisition management	8,500	11,000	10,000	+1,500
12450	Inholdings	1,500	4,000	2,000	+500
12460	Total, National Park Service	147,425	171,468	99,700	-47,725
12500	Total, Land Acquisition and State Assistance	147,925	172,468	120,700	-27,225
12550	Conservation Grants and Planning Assistance				
12600	Conservation grants	---	150,000	---	---
12650	Planning assistance	---	50,000	---	---
12700	Total, Conservation Grants and Planning Assistance	---	200,000	---	---
12800	Urban Park and Recreation Fund				
12850	Urban park and recreation fund	---	4,000	---	---
12900	TOTAL, NATIONAL PARK SERVICE	1,764,224	2,058,943	1,809,363	+45,139

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
12950	UNITED STATES GEOLOGICAL SURVEY				
13000	Surveys, Investigations, and Research				
13050	National Mapping Program				
13100	National data collection and integration	63,858	58,125	56,625	-7,233
13150	Earth science information management and delivery	36,388	43,700	34,450	-1,938
13200	Geographic research and applications	38,069	33,609	36,306	-1,763
13250	Subtotal, National Mapping Program	138,315	135,434	127,381	-10,934
13300	Geologic Hazards, Resource and Processes				
13350	Geologic hazards assessments	76,369	68,810	69,460	-6,909
13400	Geologic landscape and coastal assessments	74,091	60,701	65,765	-8,326
13450	Geologic resource assessments	88,690	69,106	77,106	-11,584
13500	Subtotal, Geologic Hazards, Resource & Processes	239,150	198,617	212,331	-26,819
13550	Water Resources Investigations				
13600	Water resources assessment and research	104,433	88,298	91,531	-12,902
13650	Water data collection and management	29,528	20,790	29,290	-238
13700	Federal-State program	70,137	58,356	60,856	-9,281
13750	Water resources research institutes	5,055	5,062	5,062	+7
13800	Subtotal, Water Resources Investigations	209,153	172,506	186,739	-22,414
13850	Biological Research				
13900	Biological research and monitoring	138,521	97,734	113,874	-24,647
13950	Biological information management and delivery	11,443	14,550	10,550	-893
14000	Cooperative research units	12,497	12,680	13,180	+683
14050	Subtotal, Biological Research	162,461	124,964	137,604	-24,857
14100	General administration	27,308	---	---	-27,308
14150	Facilities	21,509	---	---	-21,509
14250	Integrated science	---	47,686	---	---
14300	Science support	---	73,996	73,996	+73,996
14350	Facilities	---	85,282	85,782	+85,782
14400	Emergency appropriations	1,000	---	---	-1,000
14450	TOTAL, UNITED STATES GEOLOGICAL SURVEY	798,896	838,485	823,833	+24,937

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
14500	MINERALS MANAGEMENT SERVICE				
14550	Royalty and Offshore Minerals Management				
14600	OCS Lands				
14650	Leasing and environmental program	35,352	35,889	35,889	+537
14700	Resource evaluation	23,433	22,323	22,923	-510
14750	Regulatory program	39,290	42,508	42,508	+3,218
14800	Information management program	14,190	14,507	14,507	+317
14850	Subtotal, OCS Lands	112,265	115,227	115,827	+3,562
14900	Royalty Management				
14950	Valuation and operations	33,623	39,407	39,407	+5,784
15000	Compliance	36,468	42,439	42,439	+5,971
15050	Indian allottee refunds	15	15	15	---
15100	Program services office	2,623	2,708	2,708	+85
15150	Subtotal, Royalty Management	72,729	84,569	84,569	+11,840
15200	General Administration				
15250	Executive direction	1,870	1,925	1,925	+55
15300	Policy and management improvement	3,740	3,870	3,870	+130
15350	Administrative operations	12,592	13,546	13,546	+954
15400	General support services	14,706	14,945	14,945	+239
15450	Subtotal, General Administration	32,908	34,286	34,286	+1,378
15500	Use of receipts	-100,000	-124,000	-124,000	-24,000
15600	Total, Royalty and Offshore Minerals Management	117,902	110,082	110,682	-7,220
15650	Oil Spill Research				
15700	Oil spill research	6,118	6,118	6,118	---
15750	TOTAL, MINERALS MANAGEMENT SERVICE	124,020	116,200	116,800	-7,220

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
15800	OFFICE OF SURFACE MINING RECLAMATION				
15850	AND ENFORCEMENT				
15900	Regulation and Technology				
15950	Environmental restoration	144	150	150	+6
16000	Environmental protection	70,018	70,718	72,218	+2,200
16050	Technology development and transfer	11,300	11,589	11,589	+289
16100	Financial management	511	525	525	+14
16150	Executive direction	11,105	11,409	11,409	+304
16200	Subtotal, Regulation and Technology	93,078	94,391	95,891	+2,813
16250	Civil penalties	275	275	275	---
16300	Total, Regulation and Technology	93,353	94,666	96,166	+2,813
16350	Abandoned Mine Reclamation Fund				
16400	Environmental restoration	170,140	195,469	176,019	+5,879
16450	Technology development and transfer	3,473	3,536	3,536	+63
16500	Financial management	5,860	6,040	5,540	-320
16550	Executive direction	5,943	6,113	6,113	+170
16600	Total, Abandoned Mine Reclamation Fund	185,416	211,158	191,208	+5,792
16650	TOTAL, OFFICE OF SURFACE MINING RECLAMATION				
16700	AND ENFORCEMENT	278,769	305,824	287,374	+8,605

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
16750	BUREAU OF INDIAN AFFAIRS				
16800	Operation of Indian Programs				
16850	Tribal Budget System				
16900	Tribal Priority Allocations				
16950	Tribal government	347,782	362,382	343,970	-3,812
17000	Human services	151,379	154,262	150,214	-1,165
17050	Education	52,675	51,106	51,106	-1,569
17100	Public safety and justice	4,220	1,391	1,391	-2,829
17150	Community development	39,240	39,884	39,884	+644
17200	Resources management	53,547	54,852	54,852	+1,305
17250	Trust services	27,631	28,739	28,739	+1,108
17300	General administration	22,284	23,273	23,273	+989
17550	Standard assessment methodology work group	250	250	---	-250
17600	Subtotal, Tribal Priority Allocations	699,008	716,139	693,429	-5,579
17650	Other Recurring Programs				
17750	Human services	---	500	---	---
17800	Education				
17850	School operations				
17900	Forward-funded	389,307	412,664	401,010	+11,703
17950	Other school operations	86,779	90,904	88,717	+1,938
18000	Subtotal, School operations	476,086	503,568	489,727	+13,641
18050	Continuing education	31,311	38,411	32,311	+1,000
18100	Subtotal, Education	507,397	541,979	522,038	+14,641
18200	Resources management	34,642	37,717	40,016	+5,374
18250	Subtotal, Other Recurring Programs	542,039	580,196	562,054	+20,015

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
18300	Non-Recurring Programs				
18350	Tribal government	250	250	250	---
18450	Community development	100	---	---	-100
18500	Resources management	30,912	32,414	31,859	+947
18550	Trust services	32,888	38,526	32,424	-464
18600	Subtotal, Non-Recurring Programs	64,150	71,190	64,533	+383
18650	Total, Tribal Budget System	1,305,197	1,367,525	1,320,016	+14,819
18700	BIA Operations				
18750	Central Office Operations				
18800	Tribal government	2,628	3,082	3,082	+454
18850	Human services	866	1,295	1,295	+429
18950	Community development	837	853	853	+16
19000	Resources management	3,108	3,387	3,387	+279
19050	Trust services	2,070	2,114	2,114	+44
19100	General administration				
19150	Education program management	2,297	2,349	2,349	+52
19200	Other general administration	33,933	34,670	34,920	+987
19250	Subtotal, General administration	36,230	37,019	37,269	+1,039
19300	Subtotal, Central Office Operations	45,739	47,750	48,000	+2,261
19350	Area Office Operations				
19400	Tribal government	1,354	1,431	1,431	+77
19450	Human services	3,263	3,011	3,011	-252
19550	Community development	805	833	833	+28
19600	Resources management	3,175	3,242	3,242	+67
19650	Trust services	10,710	9,613	9,613	-1,097
19700	General administration	23,633	24,313	24,313	+680
19750	Subtotal, Area Office Operations	42,940	42,443	42,443	-497

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
19800	Special Programs and Pooled Overhead				
19850	Education	14,258	15,670	15,370	+1,112
19900	Public safety and justice	98,558	141,165	131,165	+32,607
19950	Community development	3,916	3,545	4,161	+245
20000	Resources management	1,320	1,320	1,320	---
20100	General administration	72,196	74,969	74,969	+2,773
20150	Subtotal, Special Programs and Pooled Overhead	190,248	236,669	226,985	+36,737
20200	Total, BIA Operations	278,927	326,862	317,428	+38,501
20350	Total, Operation of Indian Programs	1,584,124	1,694,387	1,637,444	+53,320
20400	BIA SPLITS				
20450	Natural resources	(126,704)	(132,932)	(134,676)	(+7,972)
20500	Forward-funding	(389,307)	(412,664)	(401,010)	(+11,703)
20550	Education	(187,320)	(198,440)	(189,853)	(+2,533)
20600	Community development	(880,793)	(950,351)	(911,905)	(+31,112)
20650	Total, BIA splits	(1,584,124)	(1,694,387)	(1,637,444)	(+53,320)
20700	Construction				
20750	Education	60,400	108,377	82,377	+21,977
20800	Public safety and justice	5,550	5,564	5,564	+14
20850	Resources management	49,620	51,823	50,810	+1,190
20900	General administration	2,146	2,175	2,175	+29
20950	Construction management	5,705	6,319	5,958	+253
21100	Total, Construction	123,421	174,258	146,884	+23,463

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
21150	Indian Land and Water Claim Settlements				
21200	and Miscellaneous Payments to Indians				
21250	White Earth Land Settlement Act (Admin)	612	625	625	+13
21300	Hoopa-Yurok settlement fund	240	246	246	+6
21350	Pyramid Lake water rights settlement	2,530	30	30	-2,500
21360	Truckee River operating agreement	---	---	230	+230
21400	Ute Indian water rights settlement	25,000	27,500	25,000	---
21550	Aleutian-Pribilof (repairs)	500	---	1,000	+500
21560	Weber Dam	---	---	125	+125
21600	Total, Miscellaneous Payments to Indians	28,882	28,401	27,256	-1,626
21650	Indian Guaranteed Loan Program Account				
21700	Indian guaranteed loan program account	5,001	5,008	5,008	+7
21750	Indian Land Consolidation Pilot				
21800	Indian land consolidation pilot	5,000	---	---	-5,000
21850	TOTAL, BUREAU OF INDIAN AFFAIRS	1,746,428	1,902,054	1,816,592	+70,164

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
21900	DEPARTMENTAL OFFICES				
21950	Insular Affairs				
22000	Assistance to Territories				
22050	Territorial Assistance				
22100	Office of Insular Affairs	3,849	4,249	4,095	+246
22150	Technical assistance	5,661	5,661	5,661	---
22200	Maintenance assistance fund	2,300	2,300	2,300	---
22250	Brown tree snake	2,100	2,600	2,350	+250
22300	Insular management controls	1,491	1,491	1,491	---
22350	Coral reef initiative	---	1,000	500	+500
22400	Subtotal, Territorial Assistance	15,401	17,301	16,397	+996
22450	American Samoa				
22500	Operations grants	23,054	23,054	23,054	---
22550	Northern Marianas				
22600	Covenant grants	27,720	27,720	27,720	---
22650	Total, Assistance to Territories	66,175	68,075	67,171	+996
22700	Compact of Free Association				
22750	Compact of Free Association - Federal services	7,354	7,354	7,354	---
22800	Mandatory payments - program grant assistance	12,000	12,000	12,000	---
22850	Enewetak support	1,576	1,191	1,191	-385
22900	Total, Compact of Free Association	20,930	20,545	20,545	-385
22950	Total, Insular Affairs	87,105	88,620	87,716	+611
23000	Departmental Management				
23050	Departmental direction	11,579	11,865	11,665	+86
23100	Management and coordination	21,598	22,780	22,780	+1,182
23150	Hearings and appeals	7,213	8,047	8,047	+834
23200	Central services	18,485	19,527	19,527	+1,042
23250	Bureau of Mines workers compensation/unemployment	811	845	845	+34
23300	Glacier Bay fishing buyout	5,000	---	---	-5,000
23350	Total, Departmental Management	64,686	63,064	62,864	-1,822

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
23400	Office of the Solicitor				
23450	Legal services	31,304	34,518	33,630	+2,326
23500	General administration	5,480	6,982	6,566	+1,086
23550	Total, Office of the Solicitor	36,784	41,500	40,196	+3,412
23600	Office of Inspector General				
23650	Audit	14,901	16,038	15,266	+365
23700	Investigations	4,813	5,601	4,940	+127
23750	Administration	5,772	5,975	5,880	+108
23800	Total, Office of Inspector General	25,486	27,614	26,086	+600
23950	Office of Special Trustee for American Indians				
24000	Program operations, support, and improvements	59,673	88,362	88,362	+28,689
24050	Executive direction	1,626	1,663	1,663	+37
24200 24250	Total, Office of Special Trustee for American Indians	61,299	90,025	90,025	+28,726
24260	Indian Land Consolidation Pilot				
24270	Indian land consolidation	---	10,000	5,000	+5,000
24300	Natural Resource Damage Assessment Fund				
24350	Damage assessments	3,366	6,320	4,145	+779
24400	Program management	1,126	1,580	1,255	+129
24450	Total, Natural Resource Damage Assessment Fund	4,492	7,900	5,400	+908
24500	Management of Federal Lands for Subsistence Uses				
24550	Subsistence management, Department of the Interior	8,000	---	---	-8,000
24600	TOTAL, DEPARTMENTAL OFFICES	287,852	328,723	317,287	+29,435
24640	Glacier Bay (emergency appropriations) (sec. 501)				
24645	(P.L. 106-31)	26,000	---	---	-26,000
24650	Y2K conversion (emergency appropriations)	80,347	---	---	-80,347
24700	TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR	7,130,235	7,768,930	7,276,520	+146,285

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
24750	TITLE II - RELATED AGENCIES				
24800	DEPARTMENT OF AGRICULTURE				
24850	FOREST SERVICE				
24900	Forest and Rangeland Research				
24950	Forest and rangeland research	197,444	234,644	202,700	+5,256
25100	State and Private Forestry				
25150	Forest Health Management				
25200	Federal lands forest health management	37,325	40,325	38,825	+1,500
25250	Cooperative lands forest health management	17,200	21,400	21,850	+4,650
25350	Subtotal, Forest Health Management	54,525	61,725	60,675	+6,150
25400	Cooperative Fire Assistance				
25450	State fire assistance	21,510	31,509	24,760	+3,250
25500	Volunteer fire assistance	2,000	2,001	3,250	+1,250
25550	Subtotal, Cooperative Fire Assistance	23,510	33,510	28,010	+4,500
25600	Cooperative Forestry				
25650	Forest stewardship	28,830	28,830	29,430	+600
25700	Stewardship incentives program	---	15,000	---	---
25750	Forest legacy program	7,012	50,012	10,000	+2,988
25800	Urban and community forestry	30,540	40,040	31,300	+760
25850	Economic action programs	17,305	16,305	20,119	+2,814
25900	Pacific Northwest assistance programs	9,000	7,000	8,000	-1,000
25950	Subtotal, Cooperative Forestry	92,687	157,187	98,849	+6,162
26100	Total, State and Private Forestry	170,722	252,422	187,534	+16,812
26150	International Forestry				
26200	International forestry	(3,500)	(3,500)	(3,500)	---

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
26250	National Forest System				
26300	Land management planning	40,000	50,000	40,000	---
26350	Inventory and monitoring	80,714	88,114	81,350	+636
26400	Recreation Use				
26450	Recreation management	144,953	144,953	155,500	+10,547
26500	Wilderness management	29,584	36,574	30,151	+567
26550	Heritage resources	13,050	13,050	13,214	+164
26600	Subtotal, Recreation Use	187,587	194,577	198,865	+11,278
26650	Wildlife, Fish and Rare Plant Habitat				
26700	Wildlife habitat management	32,097	37,097	32,561	+464
26750	Inland fish habitat management	19,017	26,017	19,341	+324
26800	Anadromous fish habitat management	22,714	29,114	23,091	+377
26850	TE&S species habitat management	26,548	31,548	26,932	+384
26900	Subtotal, Wildlife, Fish and Rare Plant Habitat	100,376	123,776	101,925	+1,549
26950	Rangeland Management				
27000	Grazing management	28,517	28,517	28,982	+465
27050	Rangeland vegetation management	28,533	36,533	29,850	+1,317
27100	Subtotal, Rangeland Management	57,050	65,050	58,832	+1,782
27150	Forestland Management				
27200	Timber sales management	226,900	196,885	224,500	-2,400
27250	Forestland vegetation management	58,300	58,300	63,340	+5,040
27300	Forest ecosystem restoration and improvement	---	15,000	---	---
27350	Subtotal, Forestland Management	285,200	270,185	287,840	+2,640
27400	Soil, Water and Air Management				
27450	Soil, water and air operations	25,932	26,932	26,932	+1,000
27500	Watershed improvements	30,165	40,165	32,850	+2,685
27550	Subtotal, Soil, Water and Air Management	56,097	67,097	59,782	+3,685
27600	Minerals and geology management	37,050	36,050	37,200	+150
27650	Land Ownership Management				
27700	Real estate management	46,133	48,054	47,554	+1,421
27750	Landline location	15,006	15,918	15,468	+462
27800	Subtotal, Land Ownership Management	61,139	63,972	63,022	+1,883

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
27850	Infrastructure Management				
27950	Facility maintenance (non-recreation)	27,654	---	---	-27,654
28000	Facility maintenance (recreation)	24,570	---	---	-24,570
28050	Trail maintenance	18,445	---	---	-18,445
28100	Subtotal, Infrastructure Management	70,669	---	---	-70,669
28150	Law enforcement operations	66,288	66,288	67,288	+1,000
28200	General administration	256,400	256,400	250,000	-6,400
28350	Adjustment to correspond to the President's budget	---	75,669	---	---
28360	Land Between the Lakes NRA	---	---	5,400	+5,400
28400	Total, National Forest System	1,298,570	1,357,178	1,251,504	-47,066
28450	Wildland Fire Management				
28500	Preparedness	324,876	324,876	360,200	+35,324
28550	Fire operations	235,300	235,854	200,854	-34,446
28700	Contingent emergency appropriations	102,000	90,000	90,000	-12,000
28710	Land Between the Lakes NRA	---	---	300	+300
28750	Total, Wildland Fire Management	662,176	650,730	651,354	-10,822

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
28800	Reconstruction and Maintenance				
28850	Reconstruction and Construction				
28900	Facilities	69,905	63,405	80,603	+10,698
28950	Roads	98,009	96,468	101,000	+2,991
29000	Trails	29,554	13,054	29,582	+28
29110	Emergency appropriations (P.L. 106-31)	5,611	---	---	-5,611
29150	Subtotal, Reconstruction and maintenance	203,079	172,927	211,185	+8,106
29200	Maintenance				
29250	Facilities	(52,224)	54,813	54,813	+54,813
29300	Roads	99,884	122,484	111,184	+11,300
29350	Trails	(18,445)	20,445	20,445	+20,445
29400	Subtotal, Maintenance	99,884	197,742	186,442	+86,558
29450	Adjustment to correspond to the President's budget	---	-75,669	---	---
29460	Land Between the Lakes NRA	---	---	1,300	+1,300
29500	Total, Reconstruction and maintenance	302,963	295,000	398,927	+95,964
29550	Land Acquisition				
29600	Forest Service				
29650	Acquisitions	106,418	103,960	67,575	-38,843
29700	Acquisition management	8,000	8,045	8,500	+500
29750	Cash equalization	1,500	2,000	1,500	---
29800	Emergency acquisition	1,500	2,995	1,500	---
29850	Wilderness protection	500	1,000	500	---
29900	Total, Land Acquisition	117,918	118,000	79,575	-38,343
29950	Acquisition of lands for national forests, special acts	1,069	1,069	1,069	---
30050	Acquisition of lands to complete land exchanges	210	210	210	---
30100	Range betterment fund	3,300	3,300	3,300	---
30150	Gifts, donations and bequests for forest and rangeland research	92	92	92	---
30260	Southeast Alaska economic disaster fund	---	---	22,000	+22,000
30300	Management of Federal Lands for Subsistence Uses				
30350	Subsistence management, Forest Service	3,000	---	---	-3,000
30400	TOTAL, FOREST SERVICE	2,757,464	2,912,645	2,798,265	+40,801

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
30450	DEPARTMENT OF ENERGY				
30500	Clean Coal Technology				
30600	Deferral	-40,000	-256,000	-156,000	-116,000
30700	Fossil Energy Research and Development				
30750	Coal				
30800	Advanced Clean Fuels Research				
30850	Coal preparation	5,097	4,000	4,300	-797
30900	Direct liquefaction	3,150	1,641	166	-2,984
30950	Indirect liquefaction	5,500	6,659	6,909	+1,409
30960	Steelmaking feedstock	---	---	7,000	+7,000
31000	Advanced research and environmental technology	1,781	2,200	2,200	+419
31050	Subtotal, Advanced Clean Fuels Research	15,528	14,500	20,575	+5,047
31100	Advanced Clean/Efficient Power Systems				
31150	Advanced pulverized coal-fired powerplant	15,000	3,000	2,000	-13,000
31200	Indirect fired cycle	6,500	7,010	7,010	+510
31250	High-efficiency integrated gasified combined cycle	32,388	38,661	35,211	+2,823
31300	High-efficiency pressurized fluidized bed	14,638	12,202	12,202	-2,436
31350	Advanced research and environmental technology	19,150	23,864	23,864	+4,714
31400	Subtotal, Advanced Clean/Efficient Power				
31450	Systems	87,676	84,737	80,287	-7,389
31500	Advanced research and technology development	19,939	23,195	23,195	+3,256
31550	Subtotal, Coal	123,143	122,432	124,057	+914

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
31600	Gas				
31650	Natural Gas Research				
31700	Exploration and production	13,432	14,932	17,307	+3,875
31750	Delivery and storage	1,000	1,000	1,000	---
31800	Advanced turbine systems	44,500	41,808	44,308	-192
31850	Emerging processing technology applications	9,058	7,308	10,308	+1,250
31900	Effective environmental protection	3,017	2,617	3,217	+200
31950	Subtotal, Natural Gas Research	71,007	67,665	76,140	+5,133
32000	Fuel Cells				
32050	Advanced research	1,200	1,200	1,200	---
32100	Fuel cell systems	41,000	36,449	41,399	+399
32150	Multilayer ceramic technology	2,000	---	2,000	---
32200	Subtotal, Fuel Cells	44,200	37,649	44,599	+399
32250	Subtotal, Gas	115,207	105,314	120,739	+5,532
32300	Oil Technology				
32350	Exploration and production supporting research	30,796	31,546	32,171	+1,375
32400	Recovery field demonstrations	7,800	7,800	11,050	+3,250
32450	Effective environmental protection	10,020	10,820	10,820	+800
32455	Diesel biodesolfurization	---	---	3,500	+3,500
32550	Subtotal, Oil Technology	48,616	50,166	57,541	+8,925
32560	Black liquor gasification	---	---	9,000	+9,000
32600	Cooperative R&D	6,836	5,836	7,436	+600
32650	Fossil energy environmental restoration	11,000	10,000	10,000	-1,000
32700	Fuels conversion, natural gas, and electricity	2,173	2,173	2,173	---
32750	Headquarters program direction	15,049	16,016	16,016	+967
32800	Energy Technology Center program direction	54,432	56,063	59,463	+5,031
32850	General plant projects	2,600	2,000	2,600	---
32900	Advanced Metallurgical Processes				
32950	Advanced metallurgical processes	5,000	5,000	5,000	---
33000	Use of prior year balances	---	-11,000	-4,000	-4,000
33010	Use of Biomass Energy Development funds	---	-24,000	-24,000	-24,000
33050	Total, Fossil Energy Research and Development	384,056	340,000	386,025	+1,969
33100	Alternative Fuels Production				
33150	Transfer to Treasury	-1,300	-1,000	-1,000	+300

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
33200	Naval Petroleum and Oil Shale Reserves				
33250	Oil Reserves				
33300	Naval petroleum reserves Nos. 1 & 2	3,594	6,900	6,900	+3,306
33350	Naval petroleum reserve No. 3	10,180	8,340	8,340	-1,840
33400	Program direction (headquarters)	6,876	6,000	6,000	-876
33500	Use of prior year funds	-6,650	-21,240	-21,240	-14,590
33550	Total, Naval Petroleum and Oil Shale Reserves	14,000	---	---	-14,000
33600	Elk Hills School Lands Fund				
33650	Elk Hills School lands fund	36,000	36,000	---	-36,000
33700	Energy Conservation				
33750	Building Technology, State and Community Sector				
33800	Building research and standards				
33850	Technology roadmaps and competitive R&D	6,385	7,500	6,385	---
33900	Residential buildings integration	9,582	13,538	9,948	+366
33950	Commercial buildings integration	2,544	6,325	2,744	+200
34000	Equipment, materials and tools	43,014	60,800	49,031	+6,017
34050	Subtotal, Building research and standards	61,525	88,163	68,108	+6,583
34100	Building Technology Assistance				
34150	Weatherization assistance program	133,000	154,000	134,000	+1,000
34200	State energy program	33,000	37,000	33,000	---
34250	Community partnerships	18,801	35,400	17,235	-1,566
34300	Energy star program	2,724	6,000	2,724	---
34350	Subtotal, Building technology assistance	187,525	232,400	186,959	-566
34400	Management and planning	13,171	15,318	13,231	+60
34450	Subtotal, Building Technology, State and				
34500	Community Sector	262,221	335,881	268,298	+6,077
34550	Federal Energy Management Program				
34600	Program activities	21,718	28,968	21,718	---
34650	Program direction	2,100	2,900	2,200	+100
34700	Subtotal, Federal Energy Management Program	23,818	31,868	23,918	+100

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
34750	Industry Sector				
34800	Industries of the future (specific)	57,456	74,000	65,000	+7,544
34850	Industries of the future (crosscutting)	100,052	87,600	78,400	-21,652
34950	Management and planning	8,351	9,400	8,900	+549
35000	Subtotal, Industry Sector	165,859	171,000	152,300	-13,559
35050	Transportation				
35100	Vehicle technology R&D	125,936	168,080	130,900	+4,964
35150	Fuels utilization R&D	17,785	23,500	19,100	+1,315
35200	Materials technologies	37,475	33,000	41,500	+4,025
35250	Technology deployment	12,950	17,700	12,840	-110
35300	Management and planning	7,925	9,820	8,520	+595
35350	Subtotal, Transportation	202,071	252,100	212,860	+10,789
35400	Policy and management	37,732	46,666	42,866	+5,134
35405	Use of prior year balances	---	---	-11,000	-11,000
35410	Use of Biomass Energy Development funds	---	-25,000	-25,000	-25,000
35450	Offsetting Reductions				
35500	Use of nonappropriated escrow funds	(-64,000)	---	---	(+64,000)
35550	Total, Energy Conservation	691,701	812,515	664,242	-27,459
35600	Economic Regulation				
35650	Office of Hearings and Appeals	1,801	2,000	2,000	+199
35700	Strategic Petroleum Reserve				
35750	Storage facilities development and operations	145,120	144,000	144,000	-1,120
35800	Management	15,000	15,000	15,000	---
35850	Total, Strategic Petroleum Reserve	160,120	159,000	159,000	-1,120
35900	SPR Petroleum Account				
35950	Acquisition and transport	---	5,000	---	---
36000	Energy Information Administration				
36050	National Energy Information System	70,500	72,644	72,644	+2,144
36100	TOTAL, DEPARTMENT OF ENERGY	1,316,878	1,170,159	1,126,911	-189,967

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
36150	DEPARTMENT OF HEALTH AND HUMAN SERVICES				
36200	INDIAN HEALTH SERVICE				
36250	Indian Health Services				
36300	Clinical Services				
36350	IHS and tribal health delivery				
36400	Hospital and health clinic programs	949,140	1,002,852	1,007,140	+58,000
36450	Dental health program	71,400	84,360	80,283	+8,883
36500	Mental health program	41,305	48,446	43,294	+1,989
36550	Alcohol and substance abuse program	94,680	96,326	97,024	+2,344
36600	Contract care	385,801	410,442	407,290	+21,489
36650	Subtotal, Clinical Services	1,542,326	1,642,426	1,635,031	+92,705
36700	Preventive Health				
36750	Public health nursing	30,363	40,363	34,556	+4,193
36800	Health education	9,430	9,541	9,654	+224
36850	Community health representatives program	45,960	40,960	47,826	+1,866
36900	Immunization (Alaska)	1,367	1,388	1,407	+40
36950	Subtotal, Preventive Health	87,120	92,252	93,443	+6,323
37000	Urban health projects	26,382	29,382	27,849	+1,467
37050	Indian health professions	29,623	29,700	30,728	+1,105
37100	Tribal management	2,390	2,390	2,418	+28
37150	Direct operations	49,309	50,600	51,145	+1,836
37200	Self-governance	9,391	9,391	9,572	+181
37250	Contract support costs	203,781	238,781	203,781	---
37350	Medicare/Medicaid Reimbursements				
37400	Hospital and clinic accreditation (Est. collecting)	(327,643)	(375,386)	(375,386)	(+47,743)
37450	Total, Indian Health Services	1,950,322	2,094,922	2,053,967	+103,645

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
37500	Indian Health Facilities				
37550	Maintenance and improvement	40,625	48,125	43,504	+2,879
37600	Sanitation facilities	89,328	92,884	92,188	+2,860
37650	Construction facilities	38,587	42,531	52,000	+13,413
37700	King Cove Health Clinic, AK	2,500	---	---	-2,500
37750	Facilities and environmental health support	107,682	119,682	116,501	+8,819
37800	Equipment	13,243	14,243	14,387	+1,144
37850	Total, Indian Health Facilities	291,965	317,465	318,580	+26,615
37900	TOTAL, INDIAN HEALTH SERVICE	2,242,287	2,412,387	2,372,547	+130,260
37950	OTHER RELATED AGENCIES				
38000	OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
38050	Salaries and expenses	13,000	14,000	8,000	-5,000
38100 38150	INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
38200	Payment to the Institute	4,250	4,250	2,125	-2,125

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
38250	SMITHSONIAN INSTITUTION				
38300	Salaries and Expenses				
38350	Museum and Research Institutes				
38400	Anacostia Museum and Center for African American History and Culture	1,822	1,880	1,880	+58
38500	Archives of American Art	1,619	1,685	1,685	+66
38550	Arthur M. Sackler Gallery/Freer Gallery of Art	5,851	6,064	6,064	+213
38600	Center for Folklife and Cultural Heritage	1,697	1,750	1,750	+53
38650	Cooper-Hewitt, National Design Museum	2,751	2,869	2,869	+118
38700	Hirshhorn Museum and Sculpture Garden	4,444	4,615	4,615	+171
38750	National Air and Space Museum	12,695	15,228	13,228	+533
38800	National Museum of African Art	4,143	4,253	4,253	+110
38850	National Museum of American Art	8,267	8,617	8,617	+350
38900	National Museum of American History	19,551	20,411	20,411	+860
38950	National Museum of the American Indian	16,632	22,090	22,090	+5,458
39000	National Museum of Natural History	41,224	42,807	45,307	+4,083
39050	National Portrait Gallery	5,406	5,618	5,618	+212
39100	National Zoological Park	19,664	20,463	20,463	+799
39150	Astrophysical Observatory	18,714	19,847	19,847	+1,133
39200	Center for Materials Research and Education	3,055	3,170	3,170	+115
39250	Environmental Research Center	3,097	3,204	3,204	+107
39300	Tropical Research Institute	8,921	10,173	10,173	+1,252
39350	Subtoal, Museums and Research Institutes	179,553	194,744	195,244	+15,691
39400	Program Support and Outreach				
39450	Communications and educational programs	5,327	5,503	5,503	+176
39500	Institution-wide programs	5,693	10,693	5,693	---
39550	Office of Exhibits Central	2,218	2,319	2,319	+101
39600	Major scientific instrumentation	7,244	7,244	7,244	---
39650	Museum Support Center	4,955	5,036	5,036	+81
39700	Smithsonian Institution Archives	1,373	1,443	1,443	+70
39750	Smithsonian Institution Libraries	7,086	7,330	7,330	+244
39800	Traveling exhibition service	2,985	3,093	3,093	+108
39850	Subtotal, Program Support and Outreach	36,881	42,661	37,661	+780
39900	Administration	33,498	34,619	34,619	+1,121
39950	Facilities Services				
40000	Office of Protection Services	32,284	35,753	33,753	+1,469
40050	Office of Physical Plant	64,938	72,724	71,624	+6,686
40100	Subtotal, Facilities Services	97,222	108,477	105,377	+8,155
40150	Total, Salaries and Expenses	347,154	380,501	372,901	+25,747

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
40200	Construction and Improvements				
40250	National Zoological Park				
40300	Base program	4,400	---	---	-4,400
40350	Repair, Restoration and Alteration of Facilities				
40400	Base program	40,000	47,900	47,900	+7,900
40450	Construction				
40500	National Museum of the American Indian	16,000	19,000	19,000	+3,000
40650	Y2K conversion (emergency appropriations)	4,700	---	---	-4,700
40700	TOTAL, SMITHSONIAN INSTITUTION	412,254	447,401	439,801	+27,547

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
40750	NATIONAL GALLERY OF ART				
40800	Salaries and Expenses				
40850	Care and utilization of art collections	22,777	23,923	23,923	+1,146
40900	Operation and maintenance of buildings and grounds	12,829	13,626	13,726	+897
40950	Protection of buildings, grounds and contents	12,513	13,621	13,621	+1,108
41000	General administration	9,819	10,268	10,268	+449
41050	Total, Salaries and Expenses	57,938	61,438	61,538	+3,600
41100	Repair, Restoration and Renovation of Buildings				
41150	Base program	6,311	6,311	6,311	---
41200	Y2K conversion (emergency appropriations)	101	---	---	-101
41250	TOTAL, NATIONAL GALLERY OF ART	64,350	67,749	67,849	+3,499
41300	JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
41350	Operations and maintenance	12,187	14,000	14,000	+1,813
41400	Construction	20,000	20,000	20,000	---
41450 41500	TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	32,187	34,000	34,000	+1,813
41550	WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
41600	Salaries and Expenses				
41650	Fellowship program	947	983	983	+36
41700	Scholar support	674	709	705	+31
41750	Public service	1,752	1,735	1,897	+145
41800	General administration	1,256	1,203	1,796	+540
41850	Smithsonian fee	205	135	135	-70
41900	Conference planning	956	1,110	1,109	+153
41950	Space	50	165	165	+115
42000	TOTAL, WOODROW WILSON CENTER	5,840	6,040	6,790	+950

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
42050	NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES				
42100	National Endowment for the Arts				
42150	Grants and Administration				
42200	Grants				
42250	Direct grants	33,584	35,130	35,084	+1,500
42300	State partnerships				
42350	State and regional	25,486	25,486	25,486	---
42400	Underserved set-aside	6,952	6,952	6,952	---
42450	Subtotal, State partnerships	32,438	32,438	32,438	---
42500	Challenge America initiative				
42550	Federal	---	30,211	---	---
42600	State and regional	---	19,789	---	---
42650	Subtotal, Challenge America initiative	---	50,000	---	---
42700	Subtotal, Grants	66,022	117,568	67,522	+1,500
42750	Program support	977	1,560	977	---
42800	Administration	16,501	17,872	16,501	---
42850	Total, Grants and Administration	83,500	137,000	85,000	+1,500
42900	Matching Grants				
42950	Matching grants	14,500	13,000	13,000	-1,500
43000	Total, Arts	98,000	150,000	98,000	---

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
43050	National Endowment for the Humanities				
43100	Grants and Administration				
43150	Grants				
43200	Federal/State partnership	28,000	39,130	29,500	+1,500
43250	Office of Preservation	18,000	22,945	18,300	+300
43300	Public and enterprise	11,230	16,725	11,730	+500
43350	Research and education	22,770	32,000	24,670	+1,900
43400	Subtotal, Grants	80,000	110,800	84,200	+4,200
43450	Administrative Areas				
43500	Administration	16,800	19,000	16,800	---
43550	Total, Grants and Administration	96,800	129,800	101,000	+4,200
43600	Matching Grants				
43650	Treasury funds	4,000	4,000	4,000	---
43700	Challenge grants	9,900	12,200	9,900	---
43750	Regional humanities centers	---	4,000	800	+800
43800	Total, Matching Grants	13,900	20,200	14,700	+800
43850	Total, Humanities	110,700	150,000	115,700	+5,000
43900	Institute of Museum and Library Services/				
43950	Office of Museum Services				
44000	Grants to Museums				
44050	Support for operations	16,060	16,060	16,060	---
44100	Support for conservation	3,130	3,130	3,130	---
44150	Services to the profession	2,200	---	---	-2,200
44200	National leadership grants	---	12,650	3,050	+3,050
44250	Subtotal, Grants to Museums	21,390	31,840	22,240	+850
44300	Program administration	2,015	2,160	2,160	+145
44350	Total, Institute of Museum and Library Services	23,405	34,000	24,400	+995
44400	TOTAL, NATIONAL FOUNDATION ON THE ARTS AND				
44450	HUMANITIES	232,105	334,000	238,100	+5,995

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
44500	COMMISSION OF FINE ARTS				
44550	Salaries and expenses	898	1,078	1,005	+107
44600	NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
44650	Grants	7,000	6,000	7,000	---
44700	ADVISORY COUNCIL ON HISTORIC PRESERVATION				
44750	Salaries and expenses	2,800	3,000	3,000	+200
44800	NATIONAL CAPITAL PLANNING COMMISSION				
44850	Salaries and expenses	5,954	6,312	6,312	+358
44860	Y2K conversion (emergency appropriations)	381	---	---	-381
44870	Total, National Capital Planning Commission	6,335	6,312	6,312	-23
44900	UNITED STATES HOLOCAUST MEMORIAL COUNCIL				
44950	Holocaust Memorial Council	32,107	33,786	33,286	+1,179
45000	Y2K conversion (emergency appropriations)	900	---	---	-900
45010	Emergency appropriations (P.L. 106-31)	2,000	---	---	-2,000
45050	Total, United States Holocaust Memorial Council	35,007	33,786	33,286	-1,721
45100	PRESIDIO TRUST				
45150	Operations	14,913	24,400	24,400	+9,487
45200	Loan authority	20,000	20,000	20,000	---
45250	Total, Presidio Trust	34,913	44,400	44,400	+9,487
45300	TOTAL, TITLE II, RELATED AGENCIES	7,167,568	7,497,207	7,189,391	+21,823
45320	TITLE V				
45330	United Mine Workers of America combined benefit fund (emergency appropriations)	---	---	68,000	+68,000

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
45450	TITLE I - DEPARTMENT OF THE INTERIOR				
45500	Bureau of Land Management	1,183,895	1,268,700	1,234,150	+50,255
45550	U.S. Fish and Wildlife Service	839,804	950,001	871,121	+31,317
45600	National Park Service	1,764,224	2,058,943	1,809,363	+45,139
45650	United States Geological Survey	798,896	838,485	823,833	+24,937
45700	Minerals Management Service	124,020	116,200	116,800	-7,220
45750	Office of Surface Mining Reclamation and Enforcement	278,769	305,824	287,374	+8,605
45800	Bureau of Indian Affairs	1,746,428	1,902,054	1,816,592	+70,164
45850	Departmental Offices	287,852	328,723	317,287	+29,435
45855	Glacier Bay (emergency appropriations) P.L. 106-31	26,000	---	---	-26,000
45860	Y2K conversion (emergency appropriations)	80,347	---	---	-80,347
45900	Total, Title I - Department of the Interior	7,130,235	7,768,930	7,276,520	+146,285
45950	TITLE II - RELATED AGENCIES				
46000	Forest Service	2,757,464	2,912,645	2,798,265	+40,801
46050	Department of Energy	(1,316,878)	(1,170,159)	(1,126,911)	(-189,967)
46100	Clean Coal Technology	-40,000	-256,000	-156,000	-116,000
46150	Fossile Energy Research and Development	384,056	340,000	386,025	+1,969
46200	Alternative Fuels Production	-1,300	-1,000	-1,000	+300
46250	Naval Petroleum and Oil Shale Reserves	14,000	---	---	-14,000
46300	Energy Conservation	691,701	812,515	664,242	-27,459
46350	Economic Regulation	1,801	2,000	2,000	+199
46400	Strategic Petroleum Reserve	160,120	159,000	159,000	-1,120
46450	SPR Petroleum Account	---	5,000	---	---
46500	Energy Information Administration	70,500	72,644	72,644	+2,144
46550	Indian Health Service	2,242,287	2,412,387	2,372,547	+130,260
46600	Office of Navajo and Hopi Indian Relocation	13,000	14,000	8,000	-5,000
46650	Institute of American Indian and Alaska Native Culture and Arts Development	4,250	4,250	2,125	-2,125
46750	Smithsonian Institution	412,254	447,401	439,801	+27,547
46800	National Gallery of Art	64,350	67,749	67,849	+3,499
46850	John F. Kennedy Center for the Performing Arts	32,187	34,000	34,000	+1,813
46900	Woodrow Wilson International Center for Scholars	5,840	6,040	6,790	+950
46950	National Endowment for the Arts	98,000	150,000	98,000	---
47000	National Endowment for the Humanities	110,700	150,000	115,700	+5,000
47050	Institute of Museum and Library Services	23,405	34,000	24,400	+995
47100	Commission of Fine Arts	898	1,078	1,005	+107
47150	National Capital Arts and Cultural Affairs	7,000	6,000	7,000	---
47200	Advisory Council on Historic Preservation	2,800	3,000	3,000	+200
47250	National Capital Planning Commission	6,335	6,312	6,312	-23
47300	Holocaust Memorial Council	35,007	33,786	33,286	-1,721
47350	Presidio Trust	34,913	44,400	44,400	+9,487
47400	Total, Title II - Related Agencies	7,167,568	7,497,207	7,189,391	+21,823

INTERIOR DETAIL TABLE (IN THOUSANDS)

		FY 1999 Enacted	FY 2000 Request	Conference	Conference vs. Enacted
47450	TITLE V				
47460	United Mine Workers of America combined benefit fund	---	---	68,000	+68,000
47470	(emergency appropriations)	---	---	68,000	+68,000
47550	GRAND TOTAL, ALL TITLES	14,297,803	15,266,137	14,533,911	+236,108

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 1999	$14,297,803
Budget estimates of new (obligational) authority, fiscal year 2000	15,266,137
House bill, fiscal year 2000	13,934,609
Senate bill, fiscal year 2000	14,055,710
Conference agreement, fiscal year 2000	14,533,911
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	+236,108
Budget estimates of new (obligational) authority, fiscal year 2000	−732,226
House bill, fiscal year 2000	+599,302
Senate bill, fiscal year 2000	+478,201

RALPH REGULA,
JIM KOLBE,
JOE SKEEN,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
ZACH WAMP,
JACK KINGSTON,
JOHN E. PETERSON,
BILL YOUNG,
JOHN P. MURTHA
(Except for NEA funding, Sec. 337 (millsites) and Sec. 357 (hard rock mining),
Managers on the Part of the House.

SLADE GORTON,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
CONRAD BURNS,
R.F. BENNETT,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
ROBERT C. BYRD,
PATRICK J. LEAHY,
ERNEST F. HOLLINGS,
HARRY REID,
BYRON L. DORGAN,
HERB KOHL,
DIANNE FEINSTEIN,
Managers on the Part of the Senate.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2670) ''An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.''

THE BUDGET SURPLUS, GENERAL REVENUE SURPLUS, SHOULD BE USED TO SHORE UP SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I am pleased that my Republican colleagues preceded me this evening because as much as I respect them dearly, and they are actually two very good gentlemen who I respect quite a bit, I have to disagree very much on what they said about the President's intentions, particularly with regard to Social Security.

The bottom line is from day one, during his State of the Union address earlier this year, the President made it quite clear that whatever budget surplus existed and appeared over the next 5 or 10 years, that he was determined that that budget surplus, general revenue surplus, be used to shore up Social Security. President Clinton has repeatedly said that whatever surplus is generated primarily has to be used for Social Security and, if not, for Medicare.

What the gentlemen are confusing is they are suggesting that somehow the Social Security surplus is being spent by the President when, in reality, they are the ones that are doing it. The Republican leadership, the appropriations bills, the so-called budget that the Republicans have put forth over the last few months has repeatedly dipped in to the Social Security surplus.

The interesting part of it is when they started to talk about emergencies and the need to spend money on some of the natural disasters that we have had, whether it be floods or some of the other natural disasters that have occurred, the bottom line is that they have appropriated the money for those natural disasters and essentially taken it out of the Social Security surplus. One can argue whether it is good or bad to do that, but the bottom line is it has been done.

The Republican leadership and the appropriations bills that have passed here, the so-called budget bills, have repeatedly used various gimmicks; but essentially what they are doing is spending Social Security money.

I think it is particularly ironic because during most of the summer what we heard from the Republican leadership is how we needed a huge tax cut bill, trillions of dollars that was going to be spent on a tax cut that was primarily going to benefit the wealthy in America, wealthy Americans; and the reason that the President vetoed that tax cut bill was because it was essentially taking money that was to be used for Social Security, because he wanted to make sure that whatever surplus there was was used for Social Security rather than a huge tax cut primarily for wealthy Americans. That is why the American people responded overwhelmingly and said they did not want the tax cut because they did not want us to dip into Social Security to pay for the tax cut.

So I just think it is particularly ironic that now that some of the Republicans have suggested that they are going to sit down with the President and try to work out an agreement on the budget that they are suggesting that that means that there will be no more spending from the Social Security surplus. Well, they have already spent it. They have already spent it on emergencies. They have already spent it on a number of items, and they can hardly suggest in any way that they are not going to continue to spend it because that is exactly what their intention is.

I just wanted to say, if I could, and I have to say it over and over again, that what the Republican leaders are doing is carrying out a budgetary charade. They continue to publicly promise not to spend the Social Security surplus; but no one, not even their own budget analyst, still believes them. The only question left to ask them is how much they are spending of the Social Security surplus. They clearly are spending the money, but how much?

Well, let me just give an example of this hypocrisy. We have the Speaker of the House who is quoted as saying recently that we are not going to take money out of Social Security. We have the gentleman from Texas (Mr. DELAY), the Whip, who says, according to the New York Times, the bottom line is we are not going to spend a dime of the Social Security Trust Fund.

But the Republicans' own Congressional Budget Office says Republican promises are bogus. According to their hand-picked budget chief, Republican spenders have already run more than $16 billion of the Social Security surplus. Even conservative commentators like George Will have said they have no other strategy other than dipping into $14 billion in Social Security surplus, and the Washington Times, this is from October 1, said Congress has already erased the projected $14 billion in non-Social Security budget surplus.

What they are really doing is they are using gimmicks, gimmicks to pretend that they are not actually spending the Social Security surplus. They are delaying tax cuts for working families. They are pretending the fiscal year has 13 months. That was one of the cutest things, a 13-month year, and they are calling constitutional requirements like the Census emergency spending.

I just wanted to point to a chart here, if I could, Mr. Speaker. I am glad that the previous speakers included my two Republican friends that were talking about emergency spending. Already

emergency spending in the budget bills that the Republicans have passed for the next fiscal year 2000 exceeds the amount of spending in the previous year by 17 percent, or $24.9 billion.

We can see that some of that emergency has been for FEMA, that is, for the Federal Emergency Management Agency, for disaster aid, fuel assistance, defense O&M, the census, which I mentioned, and agricultural emergencies. Now, I am not going to suggest that some of these expenditures are not important.

My friend, the gentleman from North Carolina (Mr. JONES), previously talked about the need to spend money for people who were the victims of natural disasters, but the bottom line is that this spending has already occurred and has come out of Social Security. They cannot deny it. It is a fact. The other chart, if I could, Mr. Speaker, talks about the other types of budget gimmicks that are being made here. In other words, they do not want to admit that they are taking money from the Social Security surplus, so what they do is they come up with these budget gimmicks.

I already mentioned the emergency. But we have delayed outlays; we have advanced appropriations where they basically say they are going to advance money that is going to be spent in the future and other types of scoring gimmicks here that basically create all of these gimmicks; and they are denying and playing this game that somehow they are not spending the money from Social Security, but in reality that is exactly what they are doing.

I wanted, if I could, Mr. Speaker, to particularly make reference, if I could, to what this strategy is all about, because it was back in August, I think, in the New York Times, Friday August 6, that the majority whip, the gentleman from Texas (Mr. DELAY), basically explained, if I could for a minute, how he was going about this charade.

Basically, what he said is that the plan, the gentleman from Texas (Mr. DELAY) said, was for Republicans to drain the surplus out of next year's budget and force President Clinton to pay for any additional spending requests out of the Social Security surplus, which both parties have pledged to protect. He said, we are going to spend it and then some. From the getgo, the strategy has always been we are going to spend what is left, he admitted.

The Republican strategy, the gentleman from Texas (Mr. DELAY) said, will also force the President to sign the Republican Party spending bills for the next year.

He, the gentleman from Texas (Mr. DELAY), said that even if the spending swallowed up the budget surplus, the Republicans had a plan to use various budgetary mechanisms that would allow them to say they had stuck to the strict spending caps they imposed in 1997. We will negotiate with the President, after he vetoes the bills, on his knees.

□ 2000

Mr. Speaker, let me just briefly summarize again what this charade is all about based on the statement I just read from the gentleman from Texas (Mr. DELAY). Basically what the Republicans are going to do is they are going to bring up appropriations bills one by one. There are 13 all together. Each of those individually or collectively, if we look at it all, will spend a significant amount of money from Social Security. They already have.

But what they are going to do is they are going to keep sending these to the President. They do not want him to look at the overall strategy of what this all adds up to. What the President said today, which I think was most significant when these negotiations started for the first time with the Republican leadership, and he was willing to sit down with them, he said, ''Do not keep sending me these individual bills, like the Foreign Ops, because I am going to veto them.''

I think it is the ultimate in hypocrisy that my colleagues who preceded me tonight talk about the President vetoing as if that indicates he wants to spend money. I mean, it is just the opposite. The reality is he is going to veto these bills because he wants to see what the whole budget plan is. He knows that, if it continues at the spending levels that they have already appropriated with these bills that have passed, then it is going to significantly dip into Social Security; and he is saying, ''That is not acceptable. I will continue to veto bills until you lay it all on the table and show me what your budget is. And then, at that point, we can negotiate and figure out what is really going on here.''

What has been going on so far over the last few months is a continued effort to spend more, to use budgetary gimmicks, and to dip into Social Security Trust Fund.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I want to thank the gentleman from New Jersey for engaging in this effort tonight. I think what we want to do is to kind of just bring some clarity to the debate. Republicans this summer, they spent this summer pushing a tax cut for the wealthiest people in this country and for corporate special interests. They went out on the road, and they talked about how they were going to, in fact, engage the public on a debate on their tax cut. It was nearly $46,000 for the wealthiest Americans and, in fact, about $160 for working families in this country. Two-thirds of the GOP tax cuts went to the top 10 of taxpayers.

They went around the country, and lo and behold, the good folks, the good people, the working families of the United States said, we do not buy it. We do not buy it. We do not like it. We do not want it.

Now, these are the same people, this Republican leadership, who told us that they could spend all this money, cut taxes by $792 billion, never touch the Social Security surplus. These are folks who cannot be trusted on this issue. The Republican budget plan hinges on gimmickry. There is $46 billion of gimmicks at last count. What they have done with that is so that they can disguise what it is that they are doing in already spending the Social Security surplus. The hypocrisy is mind boggling. The plan is phony, and it is a sham to its core.

As the gentleman from New Jersey (Mr. PALLONE) pointed out, it calls the census an emergency. They cook the books with directed score keeping and by moving tens of billions of dollars for this fiscal year into 2001.

The Republican Congressional Budget Office, we make this point over and over again, it cannot be made often enough, that is, the Republican Congressional Budget Office made it crystal clear that the Republicans have already spent $13 billion of the Social Security surplus. They are on their way to spending a whopping $24 billion chunk of it. That is a fact. That is not my commentary, the commentary of the gentleman from New Jersey (Mr. PALLONE), the commentary of the gentleman from Oregon (Mr. DEFAZIO) or the gentlewoman from Texas (Ms. JACKSON-LEE). This is the Republican Congressional Budget Office.

To add to this effort, I think we need to get into another level of this debate; and that is, it is outrageous for the Republican leadership to pose as defenders of Social Security.

I want to deal with several quotes here. I think it serves us well to remember who some of these folks are. In fact, they are the enemies of Social Security. They want to eliminate it. They do not like it. They have wanted to privatize it.

The Majority Leader of the House, I want to talk about several of his quotes. This bears repeating over and over and over again. He ran for Congress proposing to abolish Social Security.

This is United Press International, 1984: ''Ultra-conservative economics professor DICK ARMEY who has based his campaign on his support for the abolition of Social Security, the Federal minimum wage law, the corporate income tax, and Federal aid to education.'' These are not my words. These are not my words. Here it is in blue and yellow in this poster here.

Second, Majority Leader DICK ARMEY believes that Social Security should be phased out over time. ''In 1984, ARMEY

said that Social Security was, 'a bad retirement' and 'a rotten trick' on the American people.'' He continued, ''I think we are going to have to bite the bullet on Social Security and phase it out over a period of time.''

This is someone who is a defender of Social Security? Wants to save the Social Security surplus? Give me a break.

If my colleagues want to fast forward now to 1994, Majority Leader DICK ARMEY on cutting Social Security. This is CNN's Crossfire, September 27, 1994. ''Are you going to take the pledge? Are you going to promise not to cut people's Social Security to meet these promises?''

DICK ARMEY: ''No, I am not going to make such a promise.''

In 1994, September 28, DICK ARMEY, Majority Leader of the House of Representatives, ''I would never have created Social Security.''

I think above all, that says who is willing to do Social Security in and who is willing to expend an effort on protecting and strengthening Social Security for the future of retirees in this country. Their words are hollow. They have raided Social Security. They are doing it continuously. They do not like the program. If they have had their druthers it would be gone.

I think we need to keep on and let the public know exactly what the score is on this issue.

Mr. PALLONE. Mr. Speaker, when I was here earlier and the gentleman from Georgia (Mr. KINGSTON) made a statement, and again the gentleman is a friend of mine, but he made a statement about how the President of the United States was the one who wanted to spend the Social Security surplus. I grimace when I hear it because, from the very beginning of this year, President Clinton said very emphatically that whatever general revenue surplus is generated over the next 5 or 10 years as a result of the Balanced Budget Act, and we are not talking about the Social Security surplus now, we are talking about the general revenue surplus that is basically generated because of the Balanced Budget Act that he spearheaded and that is going to be available in the next 5 or 10 years, he said he wanted to take that general revenue surplus and use it to shore up Social Security long-term.

So we have the Republican leadership like ARMEY who wants to abolish Social Security. We have the President of the United States, President Clinton, who says that whatever general revenue surplus is generated over the next 5 or 10 years, he wants to take that money and put it into Social Security to guarantee the long-term viability of Social Security for future generations.

Okay. The President was not just talking about not spending the Social Security surplus. He was going way beyond that in saying that the surplus that generated through general revenue was going to be used to shore up Social Security for the future.

Also, if my colleagues notice, his budget had all the offsets, what additional spending was there was going to be offset with cuts. Also, he had even proposed the tobacco tax increase to pay for some of the additional spending. He was very clear that we were not going to spend the Social Security surplus. The general revenue surplus was going to be used to add to the Social Security surplus, and just the opposite of what the Republicans are saying.

Ms. DELAURO. Mr. Speaker, just one quick point because colleagues need to get into this discussion, the fact the President said let us wait to see what we need to ensure the long-term security of Social Security to protect it and to strengthen it before we start dipping into the surplus. The fact of the matter is is that Democrats have talked about extending the life of Social Security. The Republican leadership has offered zero, nothing, not one dime to extend the future of Social Security.

Mr. PALLONE. Mr. Speaker, they want to privatize.

Ms. DELAURO. Mr. Speaker, again, we can go to any chart, anybody's analysis of this issue, they have not one dime in their budget for extending the life of Social Security. But they have a $792 billion tax cut for the wealthiest people in this country.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for yielding to me. I think this is a worthy discussion. I would like to pick up from where the gentlewoman from Connecticut (Ms. DELAURO) just left off.

We apparently have heard from our constituents, she in Connecticut, I in Texas. Why do we not begin with the history of why we are where we are today; and that is because our Republican friends spent a good part of the summer and the spring debating the $792 billion tax cut.

What befuddles me is, at the time that they were debating the $792 billion tax cut, Democrats were arguing that that clearly had to bust open Social Security. We could not imagine where those funds were coming from.

In addition, it is very clear that the President does not want to raid Social Security, but he was out front and center on the issue of vetoing the tax offering that our friends had.

It is disappointing to think that we wasted the spring and the summer, and now it is October 20. We are some eight appropriations bills behind, which responds to the point of the gentleman from New Jersey (Mr. PALLONE) that we have a puzzle with missing parts.

That is what the President is asking. He wants to help those in North Carolina. I know I do. He wants to ensure the farmers who have suffered disasters this year be helped. He wants to make sure that we have our community health clinics open and the WIC program survives and various training programs survive. But we must be insistent on the truth, and we must work with the facts.

Let me cite for my colleagues a book that many of us were assigned to read in our years of learning. Unfortunately, I think it captures where I believe we are today, the 1984 novel that Orwell wrote that a government that declared war is peace; obviously the opposite. Freedom is slavery; obviously the opposite. Ignorance is strength; obviously the opposite.

Here we have our Republican majority declaring we do not raid Social Security; obviously the opposite. I think they do. The reason is, of course, if my colleagues would just look at, and I think in order to avoid any glazing of the eyes as we debate this, I think that when the gentleman from New Jersey (Mr. PALLONE) mentioned gimmicks, though I do not want to reflect negatively on emergency spending, but what emergency spending does is it takes it outside the caps, and it allows my colleagues to bypass the stop light. We need to use that in this government to help the least of those when there are crises in our Nation, when there is no other way of dealing with it.

But look where we are with the Republicans in fiscal year 2000. They have gone through the roof on emergency spending. They have declared everything emergency spending. They are 17 percent over the 1999 omnibus bill which says to me that we are dangerously near raiding Social Security.

Important issues, yes. Important needs, yes, some of them. Some would argue about our defense spending here. But they have been declared emergency.

What that means to the American public is they are spending their money, and they are calling it an emergency, and that is how they are able to argue that we are not raiding Social Security. In fact, that is how they are, I believe, in Orwellian mindset, to say one thing and it is the complete opposite.

□ 2015

So I would simply say that we face an opportunity to be the truth squad. I would frankly like to join my colleagues in being the right squad. And when I say that, I mean to do the right thing, and that is that we put on the table what is the budget plan of the majority and then let us argue over that budget plan. Show us that it is not doing damage to the way we spend our money here in the Federal Government. Let us seriously look at the appropriations bills from the perspective of trying to serve the most American people.

And, for goodness sake, the other two things I want to say, let us not have the sneak attack of the lingering tax cuts that we hear about. And as well let us ensure that we do not have the gimmickry of the earned income tax credit being held hostage, which is something that helps working men and women, in order to supplement this emergency spending, and which thereby gets them in the hole further, and as well puts them in the position of having to invade Social Security. So let us not use the earned income tax credit, utilized by hard-working families who need those monies, and legitimately it has been budgeted, to be utilized to violate the rules of invading Social Security.

I would simply thank the gentleman for allowing us the time to engage in this. I hope we can do more of this truth squad, and maybe someone will listen to what the American people are saying and get on with the business of real budgeting and stop raiding Social Security.

Mr. PALLONE. Mr. Speaker, I appreciate what the gentlewoman has said. And this whole idea of a truth squad is what is so crucial here. The gentlewoman is pointing out that what the Republicans are doing, and this is the strategy of the gentleman from Texas (Mr. DELAY), and he said it back in August, his strategy is spend, spend, spend, call everything an emergency, spend all the money, and then force the President to sign some omnibus bill at the end.

I just find it so ironic that my colleagues earlier on the Republican side came to the floor and criticized the President for vetoing a spending bill. What the President has said is that he wants to see what they are up to. He wants to see where all this spending is, all these emergencies, all these bills that are out there. And he is very much afraid that when it all adds up, it is going to add up to a lot of money that is dipping into the Social Security surplus. And he is basically saying, I am going to put a stop to it. We are going to see what they are up to. We are not going to just let them spend, spend, spend as the gentleman from Texas (Mr. DELAY) said.

It is really ironic that they are the ones that are suggesting that somehow we are spending the money. They are in charge. The Congress appropriates the money. The Congress does the spending, not the President. They are passing the bills that spend the money.

I want to thank the gentlewoman.

Ms. JACKSON-LEE of Texas. And if I could, just one last sentence. I do not know how in good conscience we could have spent 6 months on planning, on debating, on strategizing for a $792 billion tax cut, and we come now in October and there is representation that, oh, we are saving Social Security, when in fact there is a whole history that they were going in completely the opposite direction.

I hope we have awakened both my colleagues on the other side of the aisle. I know we have awakened the American people.

Mr. PALLONE. I appreciate that. Not one of those bills that they sent to the President for his signature would ever have passed here without the Republican majority's support. They are the ones spending the money.

Mr. Speaker, I yield now to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman from New Jersey for yielding.

I think the American people are often puzzled in listening to our debates, and let us just try to distill this down a bit. What do most families consider to be an emergency? Now, in my case, I have a little bit of money set aside, like other people do, for emergencies. Now, my property tax bill, which I know is going to come on November 15 of every year, is not an emergency. My bills for my insurance, my homeowners insurance, my mortgage, which comes on a monthly basis, these obviously are not emergencies. I think all Americans would agree we would not consider these sorts of anticipated expenditures, whether they are annual, monthly or biannual, in the case of my insurance, as emergencies.

But somehow, strangely enough, the Republican majority has decided that things that are eminently predictable, such as the census of the United States, something required since the founding of our Nation in the Constitution to be conducted once every 10 years, next year is the year 2000, everybody has known since they wrote the Constitution that if the Republic stood, we would conduct a census in the year 2000; but they have declared those funds to be an emergency.

Now, that is probably puzzling to a majority of the American people. Why would they do that? Why would they declare something like the census or expenditures in the Department of Defense as emergencies, when their annual operating costs, in the case of the Department of Defense, are a required expenditure once every 10 years by the Federal Government? Because they do not count. It is money that because of the Budget Act does not count.

Well, it has to come from somewhere. These emergency funds have to come from somewhere. Guess what? They come out of American taxpayers' wallets that are paid in taxes and go to the Federal Treasury. Now, in this case, the money is, in fact, going to come out of, since they have already spent the general fund surplus, the Social Security surplus. It is just a fact.

They have already, in their wild spending spree here, like the aircraft carrier that the majority leader of the Senate wants and that the Pentagon does not want, they have already exceeded the budget. They have exceeded it. They have spent all the available money and the projected general fund surplus. So where is this emergency money coming from? The emergency money can only come from one place, either thin air, I suppose they could call downtown to Alan Greenspan and ask him to print up some million dollar bills, or it comes from Social Security. The Social Security surplus.

They have already spent it. They have spent it in spades. And they are spending again and again. As these bills come to the floor, more and more things are declared emergencies.

Let us talk about one other way they are spending it. There is this other kind of funny money out there. What is two plus two? Well, everybody knows. The gentleman can answer.

Mr. PALLONE. Four.

Mr. DEFAZIO. Four. No, no, no, the gentleman is wrong. In the world of the Republican budget, two plus two can be any number that they direct it to be. It is called directed scorekeeping. So if they get a result they do not like from their own Congressional Budget Office, which they have appointed, they direct that in fact two plus two is one, or zero, or maybe minus eight, or whatever they need to do to add up to budget.

But the hard fact is that the money they are spending, which is actually going to be spent by these appropriations bills passed by the majority, originating in this chamber by the Republican majority, that money has to come from somewhere; and that money is coming from the Social Security surplus.

Every time they do one of these funny tricks, yes, it makes it look okay in terms of the Budget Act, emergency spending, directed scorekeeping; but it is coming out of Social Security. So let us drop the charade and develop an honest budget and admit we are probably going to run a real deficit this year. That is where we are headed. Because they have loaded up these bills so much, if we go to the real priorities of the American people and keep all the junk they have loaded into the bills, we are going to be running a deficit. Unless they want to pull out some of those things, the aircraft carriers the Pentagon did not ask for and some of those other things, they are up the creek without a paddle, or a boat or a life jacket.

Mr. PALLONE. I want to thank the gentleman. He has said it all.

I would like to yield at this time to my colleague from the district next door to mine, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding to me, and I would just like to follow on the comments of my friend from Oregon.

These budget gimmicks that the gentleman has been talking about can be used to explain that, well, maybe we are adhering to the caps that were part of the Balanced Budget Agreement, maybe we have not dipped into Social Security, but in point of fact, let me give my colleagues a very simple explanation of why we are now doing what the majority party claims we are not doing.

We are spending Social Security because we are operating now under a continuing resolution, are we not?

Mr. PALLONE. We are.

Mr. HOLT. And in this current fiscal year, which began in the beginning of this month, we were supposed to be spending a lower amount of money, but we are spending at last year's rates. That is what the continuing resolution means. If we are spending at last year's rate, we are spending Social Security money now.

And we can use any gimmicks we want to talk about it, but the point of fact is we set a goal for ourselves, Republicans and Democrats. We said it would be advantageous for us to take this Social Security tax money that is collected and use that to pay down the debt. If we did that, we would not only shore up Social Security, but it would result in lower interest rates, which of course would be more money in the pockets of every American, far more than would come from these crazy tax cuts, for most Americans, that is. Now, for some very wealthy Americans in some very special situations, maybe the tax cut would help them somewhat more; but for most Americans paying down the debt would help us. And so we set this goal of not using Social Security.

But the majority party has been unable to get their appropriations bills done this year. They have strung them along and strung them along, and pretty soon the end of the fiscal year came and we had to go into a continuing resolution. The result is not only are we not laying out the full financial picture for the country so that the President can make his decisions of what bills to sign and which bills to veto, but the American public does not know where we stand. From their point of view it must look very much like a shell game. And that is the result of these budget gimmicks. And it just further erodes public trust in government, which is what many of us are fighting so hard to try to restore.

It is a shame. It is a shame that we have come to this state. But I hope in the next week or two the other side will come to their senses and will try to bring us back on an even keel with straightforward accounting.

Mr. PALLONE. I want to thank the gentleman for bringing up the paying down on the national debt, too, because, again, before I started the hour special order we had two of my Republican colleagues, and the gentleman from Georgia (Mr. KINGSTON) specifically talked about he and the Republicans wanted to pay down the national debt. And I laughed because we know that if that tax cut that the Republicans put forward that the President vetoed had actually been signed into law and would be in place, the opposite would have happened. We would have been spending Social Security. We would not have had any money to pay down the national debt.

And President Clinton, from the beginning of the year, said what he would like to do with any general revenue surplus that was to be generated over the next 5 or 10 years was that he wanted to take 60 percent of it and use it to contribute to Social Security, to shore up Social Security for the future; and he wanted to take, I think 15 percent for Medicare, and then he talked about also paying down some of the national debt. In fact, that was already done a few months ago. He actually did spend some of general revenue surplus to help pay down the national debt or to transfer the bonds in some ways so that the debt was being paid off.

And I just listened to my Republican colleagues somehow turn that around and say, oh, no, the President wanted to spend the Social Security surplus. Just the opposite was the case. He was saying we, over the next 5 or 10 years, we are going to generate some general revenue surplus. Let us take that and use it for Social Security. Let us take that and use it to pay down the national debt. And the total effort to confuse the public in the debate by somehow suggesting that by using general revenue surplus to help Social Security that that was somehow using Social Security surplus, it is just the opposite.

Mr. HOLT. If the gentleman will continue to yield, any magician knows that in playing a shell game or trying to use sleight of hand, the trick is to hide something in the most obvious place, and that is what is used for misdirection. Well, the other party is using that trick, trying to say that Social Security is what the Democrats are playing around with; that Social Security is what Democrats are undermining.

But Social Security is the creation of the Democratic party. It was one of the great accomplishments of the New Deal. Of course, it is one of the great accomplishments of government in the 20th century.

□ 2030

I am sure the American public understands that we, as a party, hold Social Security in the highest regard and intend to do everything we can to preserve and shore up Social Security for the future generations, not just for this year's seniors, not just for next year's seniors, but for this year's young, working people, for this year's toddlers.

Mr. PALLONE. Mr. Speaker, I appreciate the comments of the gentleman.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I think the point that has been made about the tax cut should not be lost in this debate. I think it is at the core of what we are talking about today, tonight, tomorrow, and as the days go on, because this $792 billion, of which $46,000 in a tax cut was going to the wealthiest people and it wound up to be about $160 for working families, but the point of being able to pay down the debt, again, this is not our manufacturing this notion.

Alan Greenspan, head of the Federal Reserve, in commenting on the tax cut, economists from all over the country who said that this is not the direction that we ought to be going in and that in fact what you would do by not lowering the debt was to increase the interest rates. Very critical, very important to what people are paying for mortgages, for car payments, for student loans, et cetera.

At the core of this debate is the desire of the Republican leadership to pass a $792 billion tax cut that throws everything else in the process that we are engaged in disarray.

Mr. DEFAZIO. Mr. Speaker, if the gentleman will yield.

Further on the tax cut. Now, just like the emergency spending, where would the money for the $792-billion tax cut come from? Now, if indeed we were running huge and growing general fund surpluses, it would come potentially out of that. But, in fact, because of the numbers that were used to project this not yet realized, contingent, possible, sometime future, maybe surplus, they wanted to lock in $792 billion of tax cuts today heavily weighted towards the largest corporations and the most wealthy Americans, those families earning over $300,000 a year; and if everything did not come out in the rosy scenario, record growth, record low inflation, we have already exceeded those estimates and growth is already dropping off the charts, in huge and growing surpluses, it would have come out of Social Security, out of the Social Security surplus.

So lock in a tax cut today. The same party, of course, who has the majority leader who has said for 2 decades he does not believe in Social Security, and maybe they can kill Social Security tomorrow. Because, well, we do not have enough money to meet the obligations of Social Security because, well, gee, we gave it back to the most wealthy people in America and to the largest corporations.

No. The bottom line is that was the most irresponsible proposal. $792 billion of tax cuts, most probably coming

out of the Social Security Trust Fund, and now that same party, the one that did not vote for the original Social Security Act, has proposed to privatize Social Security, has a majority leader who says he does not believe in it, did not vote for Medicare, and now wants the American people to believe that they have had sort of a death-bed conversion or whatever we would call it here, that now, suddenly after this history for 60 years and a proposal a month ago to cut a surplus that does not exist by $792 billion jeopardizing Social Security, suddenly now they are the great defenders of Social Security.

I do not think the American people are going to buy it. I hope they spend all of their campaign funds on those stupid ads. Because I do not think they have any credibility with the American people, that the people who have consistently attacked Social Security now are its greatest saviors. I beg them to run those same ads in my district. I ask them to run those ads in my district.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I agree with the gentleman. I want to say I was amazed when my two Republican colleagues earlier this evening criticized the President for using his veto pen on appropriations or a spending bill. Because I see veto, veto, veto. They keep sending over these bills that spend all this money, and the most responsible thing the President can do is to continue to veto those bills until we have some idea of what this all adds up to. Because it is clear that when we add it all up, it is going to be a lot of money out of the Social Security surplus; and it is just the opposite, if you will, of what they are suggesting.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I think again another quote from the majority leader was just a few days ago where he was quoted as saying that if you are going to demagogue, do it shamelessly, the notion that the party who was opposed to Social Security that has continually talked about its abolition or its phasing out or its privatization, is exactly what is being done. It is shameful demagoguery.

But I truly do believe, as my colleague from Oregon said, the American people gets it. They know it. They did not buy the tax cut plan this summer. They are not going to buy this notion that the Republican House leadership is the savior when it comes to Social Security and Medicare. It just defies imagination.

Mr. PALLONE. Mr. Speaker, I would suggest that perhaps today when the President vetoed, or whenever it was, yesterday he vetoed the foreign ops bill and said that he is going to continue to veto until he sees and the Republicans lay out their entire budget, maybe he should even go so far as to suggest that he will not sign anything until they actually address the long-term needs of Social Security and Medicare. Because so far they have completely refused to do that.

I would not have a problem if he says, I am not going to sign any more of your bills unless you address Social Security and Medicare long-term and show how over the next 5 and 10 years you are going to use whatever general revenue surplus that might be generated to shore up those programs.

I do not know if he mentioned that or not. But I do not have a problem if he goes that much further. Because I think what they are doing is setting the American people up for an incredible spending plan that is ultimately going to spend the Social Security surplus.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, of course, my colleagues will recall that the President did say in each of the last two State of the Union addresses when he said save Social Security first.

We should have acted on that instead of cooking up seven or eight hundred billion dollar tax cut schemes, plans, follies. But Social Security should be shored up. We should restore the trust in Social Security to the American public before we go on to any new tax cuts, any new spending. This is one of the great accomplishments of the 20th century, and we really should get that in place.

But that is a longer term issue. In the short term now, of course, the public can watch; and they will see that the strategy of the majority party here is to come out piece meal with appropriation bill after appropriation bill and not let anyone, the general public, the President, the rest of the Members of Congress, see what the bottom line is.

We should demand, as we should join the President in his demand, that all this be laid out clearly for the public to see and not be hidden behind claims that are really, as my colleague has shown, false claims that it is the minority party that is somehow scheming to spend Social Security, as preposterous as that may sound.

Mr. PALLONE. Mr. Speaker, I was looking at the original Democratic budget plan, the one that was presented at the beginning of the year that looked at Social Security and Medicare and the national debt long-term; and basically, in setting aside the general revenue surplus, it would have extended the life of the Social Security Trust Fund beyond 2050 and the life of the Medicare trust funds until 2027 and would also use the projected surpluses, and again, as the gentleman from Oregon (Mr. DEFAZIO) said, who knows if these surpluses would be there, but if they were, the Democratic plan would completely eliminate the national debt by the year 2015 by using a certain percentage of that general revenue surplus to pay down the national debt.

Mr. DEFAZIO. Mr. Speaker, if the gentleman will continue to yield, better to prudently plan on funds that are funds that do not yet exist, and that is saying, okay, if they do show up, we will save them, then to say, no, let us commit to spend them today to help out the wealthiest and the most powerful, mainly their campaign contributors, and not leave any for contingencies or for Social Security should it ever crop up.

I do not believe those numbers. I do not believe the White House or the Republican majority on those numbers. I do not believe we are going to run a trillion-dollar surplus. And it would be more prudent to wait until we have got a trillion dollars in the bank and then figure out how to spend it, whether we want to give it to the wealthy in tax cuts, if they get enough votes for that, then they win, or they want to invest it in our kids in an education and other needed programs, then we win.

But the point is, until that money exists, do not spend it because there is only one place it can come from if it does not crop up fortuitously in the future and that is out of the Social Security Trust Fund. They were committing and spending those funds just as they have for emergencies, just as they have for directed spending, just as they have for an unneeded aircraft carrier and other boondoggles in this year's budget.

Ms. DELAURO. Mr. Speaker, it is just so amazing. I think we have a Republican majority that has found themselves at this juncture truly unable to get its work done. They cannot get their work done. They are in charge. They cannot get it done.

So what do they do? They try to cover their tracks, look at budget gimmicks, directed spending, directed scoring, whatever they want to deal with, whatever they want to call it. And they think if they say something often enough and over and over again that a fallacious statement, even if they say it over and over again, does not make it true. And they want to hide the fact that in fact they have dipped into Social Security.

We should not be cowed by their argument or their comments. We should just continue as point of fact to go after it every single day to talk about what it is that they are doing.

It is a pattern. It is a pattern. The patients' bill of rights they do not want to pass. Campaign finance reform they do not want to pass. They do not want to extend and strengthen and protect the life of Social Security. What they do want to do is have a $792-billion tax cut. That is the heart and soul and the center of the agenda.

And even though we have all these issues in this body, which, in fact, a number of rank-and-file Democrats and Republicans have supported, they will not let them see the light of day because that is not what the agenda is all about.

I am proud to stand with an agenda that says let us strengthen and protect Social Security in the future, let us provide people with a patients' bill of rights so that they can get good quality health care in this country, let us do something about campaign finance reform so we do not have the special interest influence in this effort.

In fact, I would say that some of my own party would not agree with it, but there are people on both sides of the aisle, let us see good, solid gun safety legislation in this country. These are issues the American public care about. And our colleagues on the other side of the aisle, really, that is not what they are about.

Mr. PALLONE. Mr. Speaker, I watched the President over the last few weeks and he has repeatedly said, look, this process of sending me bills that the Republican leadership know do not make any sense has to stop. So sit down with me, meet with me. Let us see if we can iron out our difference and hopefully, that process will lead to that.

But the bottom line is that they, as the Congress and as the appropriators and the ones who have to pass the spending bills, they cannot act as if that is not their responsibility and that they are not responsible for sending him these bills that do all this emergency spending and that take the money out of the Social Security surplus.

I think we just have to keep their feet to the fire. We have to come here every day, every night if necessary, until the budget process is finally arrived at in some sort of consensus. But the bottom line is that they cannot continue to argue that somehow by passing these bills and sending them to the President that they are not spending more and more money. That is the reality. That is what they are up to.

And I am going to say it again, I encourage him to veto the bills because we know that if we add them up, they are going to add up to a lot more spending and a lot more money coming out the Social Security surplus.

□ 2045

OVERVIEW OF REPUBLICAN BUDGET PRIORITIES

The SPEAKER pro tempore (Mr. ISAKSON). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from New Mexico (Mrs. WILSON) is recognized for 60 minutes as the designee of the majority leader.

Mrs. WILSON. Mr. Speaker, I watched with interest the debate that we have seen this evening here, and I think we need to set the record straight on a few things and talk to the American people a little bit about where we are and where we are going to go.

We are now close to the end of the budget process for this next fiscal year and we have set some parameters. They are pretty clear. We are going to keep the budget balanced. There is going to be a real balanced budget for the first time since 1969. We are going to stop using Social Security for this year's government programs. We are going to prevent new taxes from being put on the poorest of American people. We are going to pay down $150 billion of publicly held debt next year.

Within those parameters, the content of the bills is largely negotiable, but those principles are inviolable. Stop the raid on Social Security, no new taxes, keep the budget balanced.

How did we get here and what are the priorities within those bills? In 1997, before I was elected to Congress, the people here before me passed the Balanced Budget Act. At the time they were called foolhardy for expecting that we could actually balance the Federal budget by 2002. The reality is that because of good economic times and a real will by this body to control Federal Government spending, we have balanced the budget early. Last year, we paid down $60 billion of publicly held debt and $140 billion this year. Last year we were able to balance the budget if you count Social Security, and the Congressional Budget Office just announced last week after closing all the books that because tax revenue was coming in at a much higher rate than was anticipated, we actually had the first real surplus in Federal spending since 1969. We have turned the corner with respect to Social Security, we have stopped using Social Security for this year's government programs, and there is no turning back.

In January of 1999, the President came here to this room to give his State of the Union address. He talked about his vision for this country and what he wanted to see and explained the budget that he was about to send up to this Hill. That budget planned on spending 40 cents of every surplus dollar for Social Security this year. It also included $19 billion in new taxes and fees this year alone with a 10-year projected increase in taxes of $260 billion. For those of you who think that that was just about a tax on cigarettes, we are really talking about a 55-cent tax on cigarettes and who could be against sin taxes, that is not true. If you go through the budget that the President sent up here, in addition to increases on tobacco taxes, which do affect generally very poor people, there was half a billion dollars for a harbor service fund, there was $1.1 billion for an increase in aviation fees, there was $1.5 billion in Superfund taxes, there was half a billion dollars on food safety inspection user fees, there was another $108 million for agriculture fees, there were FDA fees and justice and bankruptcy filing fees and Coast Guard fees and Federal Railroad Administration rail safety inspection fees, customs fees, National Transportation Safety Board fees, Social Security Administration fees, all of these adding up to $19 billion in new taxes and fees.

The President and his spokesmen said that their budget was responsible and they made the hard choices by using 40 cents of every dollar that was surplus for Social Security and adding on $19 billion in new spending with new taxes and fees. Well, we put that to the House yesterday. We voted here on the President's taxes and fee increases. Was that what we wanted to do at a time of economic plenty? Not one Member of this House was willing to stand up and say yes, we want to increase taxes, we want to support the President's proposal for increased spending and increased taxes. There is no will in this House or in this country for an increase in taxes. And there should not be, because we can control spending and do it responsibly.

We passed a budget earlier this year that set out some priorities, that said we were not going to touch Social Security, we were not going to increase taxes or fees, and we were going to put the priorities in that budget in two particular areas: Education and national defense. Then we began our annual process of passing 13 spending bills that reflected those priorities. If there is one thing Speaker HASTERT has done around here, he has told us again and again and again, ''Let's just get the job done.'' Our job is to legislate, our job is to pass these bills, our job is to get these spending bills done no matter what. He has done a very good job of keeping us on task.

Where are those 13 bills? The President has vetoed the District of Columbia bill, and we are now working on the second version of that. The Energy and Water bill became law on September 29. The Legislative appropriations bill was signed by the President on September 29. Military Construction has passed both houses. The conference report was done. It was signed into law on August 17. The Transportation bill, signed on October 9. The Treasury-Postal bill, signed on September 29. The VA–HUD bill was signed today, and I appreciate the President's commitment and willingness to sign that bill and not hold it up for some omnibus appropriations bill yesterday.

Just today we passed out the conference report from the House on Commerce, State, Justice and the Senate should be doing it soon and it will be to the President. The Agriculture bill is with the President as is the Defense bill. He has not chosen yet to sign or to

veto those bills. The Interior bill is very close to coming back to the floor of the House in a conference report and being sent to the President. All of these things have been done on a much faster schedule than in the 103rd Congress which was the last time that my colleagues from the other side of the aisle were in charge here. But at that time, they were in late October or early November when they were passing the bills and they used all of the Social Security surplus. We are trying to be responsible here, not use a dime of the Social Security surplus, be responsible in our spending, put the emphasis on education and national security, and get the job done.

I was very disappointed to see that the President vetoed the Foreign Operations bill. In his budget that he brought up here in January, he proposed a 30 percent increase in foreign aid. Now, most folks when they hear people talk on a national level about the commitment to national security do not really know what is in the foreign aid bill. The foreign aid bill does not include America's national security programs. It is not the Defense bill. It also does not include funding for the State Department which is where most of our diplomatic work is done. It does include some other programs that have to do principally with foreign aid. When I read the President's veto message, it is almost as if he is talking about another piece of legislation. He is talking about another sign of a new isolationism and that it fails to address critical national security needs.

There is no element of this bill that addresses America's national security. That bill is still waiting on his desk for signature. But the rub really comes in the third-to-the-last paragraph of his veto message, where he says the overall funding is inadequate. The President asked for a 30 percent increase in foreign aid and wanted new taxes to pay for it. We are not willing to raise taxes, we are willing to do the responsible thing, and we have level-funded the foreign aid budget. He vetoed it because he wanted more money in the bill. Where is that money going to come from? It is going to come from Social Security. And we are not willing to touch Social Security. But there are some things in that aid bill that are increased. We increased the child survival programs by $60 billion. We increased UNICEF. We were not willing to increase funding for the IMF, particularly after the revelations of graft in the program in Russia. That did not make any sense at all. Yet the President wants $4 billion in increases to foreign aid. He also wants, as part of that $4 billion, $900 million of debt relief for foreign nations at the expense of debt relief at home. That is not something that we are willing to do. The foreign aid bill was a good, solid, reasonable bill that funded things at a constant level and set some priorities within that bill. It was good budgeting.

But I do want to address the President's concern and fearmongering about a new isolationism. I am a free trade Republican. I believe that America should be engaged in the world. I am a veteran of the United States Air Force. I think we should have forward basing of American troops, strong relationships with our allies. I started my career as an Air Force officer and then got involved in arms control and working with our NATO allies in Europe. I strongly support America's involvement and engagement in the Middle East and am very concerned about developments in Asia and emerging threats to the United States both in ballistic missiles and in weapons of mass destruction. It also happens that I have a master's and a Ph.D. in international relations and know a little bit about 20th century diplomatic and international history. In fact, I went to the same school that the President of the United States did on that subject.

This bill on Foreign Operations is an adequate and reasonable bill. I do not think that this debate or the reason for the veto was about foreign aid or foreign policy. I do not think it was about that at all. I think it was about money. All of this comes down to money. We want to save it in Social Security, we think it should stay in your pocket, we think our priorities should be national defense and education, and the President wants to spend it.

He now has on his desk the Defense appropriations bill. For the last 10 years, we have seen the erosion of America's national defense. Korea is now posing a ballistic missile threat to the United States, and in the last fiscal year we finally turned upward on America's national defense spending. But I think we need to be very clear about where we are and why it is so very important for the President to sign this bill. Between 1960 and 1991, 31 years, the United States Army conducted 10 operational events. In the past 8 years, the Army has conducted 26 operational events. Twenty-six operational events in the last 8 years. That is 2½ times the number in one-third the time. At the same time we are drawing down the size of our military. Since 1990, the United States Air Force has shrunk from 36 fighter wings down to 20 and at that same time has sustained a fourfold increase in its commitments. A fourfold increase in its commitments. We are burning out our aircraft and we are burning out our people. And it is showing up in their unwillingness to stay in the military. We should not be surprised that the military has not been able to meet its retention and its recruitment goals.

I represent Kirtland Air Force Base. When I go out there and talk to a young family and talk about how long they are deployed, 150, 170, 200 days a year in far-flung places and then they have to come home with pay and benefits that are lower than they have really ever been relative to the civilian workforce, retirement benefits that just are not there anymore and they have to justify to their families why they should keep doing this. They just cannot do it anymore. They are exhausted, they are worn out, and we need to turn the corner.

The Air Force missed its recruiting goal this year by 7 percent. They are 5,000 people under strength and they are short 800 pilots. That is not because of a lack of commitment of this House. We are turning the corner and determined to increase spending on national defense. The bill that the President has in front of him does that for the first time.

Our United States Navy, the pride of the seas, is 18,000 sailors short. There are ships that come in and a helicopter will go out and pick up the skilled operators and seamen on that ship and move them over to the one that is going out in order to keep the ships at sea. The operations tempo is too high, the pay is too low, the retirement benefits were cut in 1980 and again in 1986. But last year we turned the corner and we are going to continue to fund national defense.

The bill that the President has on his desk and that I am asking him tonight to sign has a 4.8 percent increase in military pay. It includes funding at $4.5 billion more than the President requested.

□ 2100

It is a $17.3 billion increase over fiscal year 1999. It has an increase for readiness to take care of some of the shortfalls we have seen, spare parts and training. We need to make sure that our forces have the spare parts and the training they need to do the job when they are called upon to do the job.

Mr. Speaker, I got an e-mail message from a young man from New Mexico, he is a first lieutenant in the Army and was deployed during Kosovo as a maintenance guy with the helicopters, the Apaches that went down and never actually saw operations in Kosovo. He was so frustrated. He went into the military as a young officer, raring to go, and found that the extra duties that were placed on him for peacekeeping and all kinds of other things were just diminishing their ability to do the real mission, and that is why they were unprepared when they went to Kosovo. They had never trained, they had never practiced for a real mission because they were doing so many other things, and they were short funded on flying hours and training hours and ammunition.

We are going to try to turn this around and get the spare parts and the training and depot maintenance that we need.

I yield to the gentlewoman from Florida, particularly on this point.

Mrs. FOWLER. Mr. Speaker, I share the gentlewoman's concerns, and that is why I am here tonight to express my deep concerns about the President not signing the Defense Appropriations bill, and in fact, expressing the possibility that he might veto this critically important bill.

Now, all of us agree, no matter our political ties, that providing peace of mind is one of the most important and logical roles of the Federal Government, in fact, ensuring our national security and, specifically, to provide for the common defense, our instructions in our Nation's Constitution.

Yet, for the last 7 years under this administration and until this past year, real defense spending has been cut. We have reduced the number of military personnel in our armed forces by 36 percent since the end of the Cold War. Today, for example, we have heard some good examples from our acting majority leader tonight, and I want to share some of these others. We have today only 10 active Army divisions, the same number that we had at the calamitous start of the Korean War. We are also not buying enough new Navy ships to replenish even today the much-diminished fleet.

So that is why this Defense appropriations bill is so important. As a government, it is our obligation to restore peace of mind and security. This bill does that, by providing the resources our service Members need to do their jobs defending us. It represents a real effort to get our defense budget back on track and to deal with the serious problems that are facing us in an increasingly dangerous bill.

The bill, as the gentlewoman mentioned, fully funds the 4.8 percent pay raise for our troops. It increases funds to improve their training, their benefits, and the quality of life for the armed services' most valuable asset, and that is the 2.2 million men and women who serve their country; and it provides a greatly needed $3.6 billion for our ballistic missile defense to defend this country.

Today, our troops are as hard pressed as ever. They have been asked to do more with less for too long. I was just in Kosovo in July, and I had lunch with a sergeant who had been deployed to the Balkans four times in the last 5 years, 48 out of the last 60 months. He is leaving. These constant deployments have led to a real recruitment and retention crisis in our military, with large numbers of our specialized personnel and pilots and maintenance crews, for instance, they are voting with their feet and they are leaving.

On top of this, some of our military families are living in appalling conditions. Over 60 percent of our military housing today is substandard.

So simply put, this bill offers desperately needed funding for our military which has one of the hardest jobs in the world as they risk their lives on a daily basis to ensure that all of us remain free.

This is an issue that transcends politicians and party lines. In fact, on the day we voted on the bill, most of our Democratic colleagues were right here beside us on the House floor saying this is a great bill. That is why it passed with 372 yea votes, which is why I do not understand the President's latest maneuvers with this current veto threat. Just look at the votes. It was a veto-proof margin.

The only thing that I can think of is that the President is determined, as the gentlewoman pointed out earlier, to spend more money on new Washington programs. After all, this defense bill offers the only other way besides raiding Social Security for the President to find additional money to pay for things such as that increase in foreign aid that he wants.

So, Mr. President, we are asking you tonight to please sign this bill into law. It is a good bill. Even your compatriots here in the House agree. It is a bill that provides both the military resources and the pay raise that our young men and women in uniform need. It is a bill that our peace of mind and our national security need. After all, the price of freedom is eternal vigilance. Do not play politics with our national security.

I thank the gentlewoman for yielding the time to me.

Mrs. WILSON. Mr. Speaker, I thank the gentlewoman from Florida. She is one of the great leaders in this House on national security and always brings to these discussions kind of a soberness and thoughtfulness that I really appreciate. It is particularly true that I appreciate it on an evening like this when some of the things that I heard in the run-up to this discussion that we have had here among our colleagues on the Republican side of the aisle, it was full of some hyperbole and some things that just were not true. It bothers me when we start playing partisan politics with something as important as national defense.

I notice my colleague here from California (Mr. CUNNINGHAM), who is a Navy guy, but despite that, I yield to him.

Mr. CUNNINGHAM. Mr. Speaker, I would tell my Air Force friend, I have a confession to make before the House, that I recently had to pay for a 20-ounce bottle of Diet Coke as a wager for the Air Force-Navy game. Of course, Air Force won 21 to 14, so I had to pay for the 20-ounce bottle of Coke. I personally wanted Pepsi, we have a Pepsi dealership in my district, but I did lose that bet. However, stand by for next year.

What I would like to address is both issues that the gentlewoman spoke to. I am not going to be as kind.

My mother told me that if a person lies enough, that they are going to go to hell, and I would tell the speakers in the last hour that I am going to be happy to send them a fan when they die because they are going to need it.

I have never in my life heard spin and such lunacy as I heard in the last hour. People across this Nation wonder, well, the Democrats say this, the Republicans say this. Let me give my colleagues some markers for credibility.

The gentlewoman from Connecticut (Ms. DELAURO), her husband is the poster for Bill Clinton. The group that spoke, I am not sure about the young man that spoke there at the end, but the rest of them belong, and I want the viewers, Mr. Speaker, to look up: www.d—as in dog—DSAUSA, which stands for Democrat Socialists of America. Democrat Socialists of America lists 58 members of the Democrats, which every one of those speakers belong to. Their agenda, the Democrats' socialist agenda is government control of health care. They tried that. Mr. Speaker, $100 trillion, 100 trillion. Government control of private property, Government control of education. The highest socialized spending possible, the highest taxes possible, and cut defense by 50 percent.

Now, for them to stand up and say that they are not tax-and-spend liberals, liberal is kind for this group. They are the farthest left in this House, and it makes me angry to hear such poppycock that goes on.

Let me give my colleagues some facts. The gentlewoman talked about the $9 billion that the President proposed in the tax. He takes it, sets it up for new spending, and when we do not spend $19 billion extra on spending, he says we are cutting, but not a single one of them would stand up and support it, because it cuts not only the things that the gentlewoman mentioned, it also cuts student loans and puts a tax on them. They are not going to do that, at least not openly.

The President, remember, he said, I want 100 percent for Medicare and Social Security. Well, then 3 weeks later, he says, I want 60 percent for Social Security and 15 percent for Medicare. Look at the bill. Look at the words, the language, the facts. The President takes $344 billion out of Social Security and Medicare, and he puts it up here where that $19 billion is for new spending, takes it out of Social Security. Then he puts in the 60 percent for Social Security and 15 percent for Medicare. They use it as a slush fund like they have for 20 years.

Mr. Speaker, facts are facts. We said no, Mr. President. We are going to put 100 percent in Social Security; we are going to lock it up and make it a trust fund, not a slush fund. It will accrue interest. And the gentleman said, well, how about a long-term plan? Long term? That interest accrues and saves

Social Security and Medicare forever, and it also pays down the national debt in a very short time.

Mrs. WILSON. Mr. Speaker, reclaiming my time, I think we need to share something here. This is not talking about projections, this is talking about reality on what has happened to the Social Security Trust Fund.

Here is 1984, and we start seriously dipping into the trust fund to pay for current government programs. Of course, in 1995, before I was here in Congress, is when there was a change in control of the Congress, and in 1997 when the Balanced Budget Act was passed. We see the reductions in spending from Social Security under Republican control. We are now down to where we should be, which is we should not be spending Social Security for current government programs.

Our whole point here is that there is no turning back. We need to plan for the future in Social Security, make sure it is there not only for today, that the check is there on time and in full today; but that it is there for my colleague from California when he retires and long after that, when I retire, and even much longer after that, when my other colleague from California's children retire. That is what it is about.

Mr. CUNNINGHAM. Mr. Speaker, if I can mention one last thing on this, and then I will be quiet.

The other side mentioned emergency spending. None of the Republicans voted for the extension in Somalia; it costs billions of dollars and we got our rear end kicked out of there. Haiti. Kosovo cost $12 billion in 2 months. We are spending $50 billion in Kosovo. We bombed an aspen factory in the Sudan, $100 million. The President just gave them a $50 million settlement.

In this foreign aid bill, the President spent $47 million taking 1,700 staff and press to Africa this summer, $47 million; and these things were declared emergency, because under emergency, we told them not to go to Kosovo; we told the Black Caucus not to support going to Haiti. We told them that it would cost billions of dollars going to Kosovo, and we flew 86 percent of all of the sorties there; and yet we said, you are going to have to pay for it. And they said, no, we are going to go and pay for it later.

Well, that emergency spending they are talking about is just that. The actual enumeration of the consensus, we had that paid for, in the budget. What we did not pay for is their guesswork that they wanted to maneuver the numbers for partisan advantage in the elections, guessing district by district, and the Supreme Court ruled against them, and they are upset. But they did get $300,000 just to see how it would work; and we had to fund that in emergency funding, because it is not in the budget.

We are saying, maintain a balanced budget, Mr. President. Take this red marker, take this red marker that our leadership took to him, to the White House, and mark out the programs that you want to and put in the programs that you want to, and we will work with you, but stay under the balanced budget and keep your hands off of Social Security and Medicare, like you propose with $344 billion. I thank the gentlewoman.

Mrs. WILSON. Mr. Speaker, I thank the gentleman from California. I am happy to yield to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I would just like to commend the gentlewoman from New Mexico, the chairwoman of the Adobe Caucus, as we call it. I want to say sincerely I am very impressed with her presentation tonight.

I think people across the country watching this presentation will say we have a fresh, articulate, intelligent face that is actually speaking of facts and doing it in a very rational, calm manner, without having to invoke fear and Mediscare and Social Security scare. All the gentlewoman is doing is speaking the facts and saying there is a chance for a new beginning.

□ 2115

I think as was pointed out, the frustration some of us see is that as if the American people are not going to remember that for 40 years who was running deficits and who was looking at trying to avoid things. The people that since 1970, actually 1969, since before man landed on the moon were running deficits, spending more than they had.

I do not think the American people are going to forget that. I think there are some things that they like the Democratic Party for, but fiscal restraint is not one of them.

I grew up in a family of Democrats. My cousin is a member of the National Democratic Committee. I love Democrats. They are my flesh and blood, but there are some things that people look to Republicans for. One of those is the fiscal responsibility of making sure that money is not squandered. This is hard-earned money that the government has taken from them and, frankly, I think that some people, Democrat or Republican, may stand here tonight and hear Democrats say one thing and Republicans say the other and say, well, I get just confused. I mean, who can I believe?

I would have to say what the American people can look to is who they can believe is people who are willing to come up and draw some very strong lines and say that we are not going to spend more than we have from now on and Social Security will now permanently be off budget.

I would just like to publicly commend the gentlewoman from New Mexico (Mrs. WILSON), because she is one of the few original cosponsors to a bill that would introduce a constitutional amendment that really draws that clear line in the sand not just for today and tomorrow but permanently. It takes a line in the sand that etches it in stone, and that amendment would say that we not only in America have a balanced budget during a time of peace but we also do not spend Social Security. We do not touch the Social Security trust fund. We will stop using it as a slush fund and treat it with the sanctity that every trust fund should be treated that people are going to depend on.

I want to commend the gentlewoman for that. I think she has taken a great leadership role. As soon as the gentlewoman arrived here she got our attention by really raising this issue. I would say this to the American people, if they are confused about can they trust the Republicans or can they trust the Democrats with their Social Security, I would ask every person watching to call up their Member of Congress and say, are you going to support the constitutional amendment that takes Social Security off budget permanently? Because there is the real litmus test.

We can say anything we want here. Democrats can say this. Republicans can say that, but the proof in the pudding, are you willing to draw this line and cast it in stone so that you cannot and will not break the promises to future generations?

I think the gentlewoman has taken a great leadership role on this, and I think it is a chance for the American people to get to the truth and find out who really will stand by their future and who is just talking about it because they are looking at the next election.

I just have to say that in the whole time we are here, I was in local government for 20 years before I came here, and let me say something, that I am astonished at the change of institutional mindset that has happened since 1995 when I arrived here, that spending more than you have is no longer acceptable; that dipping into the trust fund is not going to be allowed.

Mrs. WILSON. Mr. Speaker, I do not know what the situation was in California and particularly in San Diego, but in New Mexico we cannot, by law and by the Constitution, we cannot spend more than we have come in.

Did the gentleman have to live under those rules?

Mr. BILBRAY. In California, we not only have to have a balanced budget, it is mandated by the Constitution. It is funny, I got here and people were spending more than they had.

Not only that, but we are not allowed to take a trust fund and use it as a slush fund. Even a sewer fund in California cannot be diverted into police officers; even though how important police officers are, the law says if you want to raise funds for police officers

do that up front but you do not do it with your sewer rates.

This town, before I got here, was doing things and accepted doing things that people in California, in my home State, would go to jail for. Frankly, it just astonished me after working at local government, being a mayor and a county chairman, that Washington could just accept this as being the right thing, because the rest of America was living without a budget, was not spending its retirement programs, but Washington was doing it because nobody raised enough Cain to force them to finally start doing the right thing.

I am very proud, no matter what happens in the next election, of being able to be part of a community, part of a group, that has told Washington, enough is enough; live within your budget and keep your hands off of Social Security.

I think that is something that all of us can be very proud of, Democrat or Republican, if we can just live within this, and I hope the President joins us. He said today that he now is committed to our strategy of a balanced budget, without touching Social Security. I know there are a lot of people in this institution that are uneasy with that because they are used to the good old days. I think we are teaching them new disciplines, and I think it is something that we are going to be able to pass on to our children and grandchildren and be very proud that we were the beginning of the change of Washington.

Mrs. WILSON. I thank the gentleman from California (Mr. BILBRAY) for his remarks. On that point, when we set out our budget at home, if we were to take the money we put in our IRA and spend it this year for car payments or for rent or for entertainment, to go to the movies, we would not expect it to be there when we retired. But that is what the Federal Government has been doing for the last 30 years and we need to stop doing that and be responsible about it.

I have to say that while we had kind of a somewhat extreme group down here this evening, this is not really a partisan issue. I think probably fully two-thirds of this body recognizes that we are gradually coming up with a change in attitude about what Federal Government is all about, and that we should not spend Social Security every year; that we should have a balanced budget; that there is no need to increase taxes in time of peace and prosperity; and that we should spend money on priorities like national security and education. So I think that it would be wrong to characterize this as a completely partisan fight. In fact, it is really not.

I think there is really a vast majority in this body that wants to protect Social Security.

Mr. CUNNINGHAM. I had a friend of mine on the other side of the aisle today on the subway, and I quote, he said, the gentleman from Missouri (Mr. GEPHARDT) has an insatiable personal ambition to become Speaker of the House. I think everybody has seen every speech he gives.

Another Democrat said that the gentleman from Missouri (Mr. GEPHARDT) told us to vote against every single one of these bills and the White House, at the meeting, under good faith, he was doing the same thing.

Today he came to the House Floor, very partisan, having the Democrats vote against every single bill. I asked the Democrat I said, ''Why?'' And he said, quote, ''Duke, if we can stop all of the bills and the President, one of two things, either the Republicans will give in and give the President an omnibus bill and we can spend more, or the government will get shut down and you will get blamed for it,'' and that is the strategy. I think that is lame.

What we are trying to do is pass 13 appropriations bills. The gentleman over there, he is so naive. He said that we are doing it piecemeal. There are 13 appropriations bills. That is the way it is supposed to work, is we give the President each bill.

Mrs. WILSON. Would the gentleman educate me a little bit?

Mr. CUNNINGHAM. Yes.

Mrs. WILSON. How long is it that we have been doing 13 appropriations bills to fund the government?

Mr. CUNNINGHAM. This is the 106th Congress, which is 212 years. Now, granted, early on they did not do it that way but they have an authorization and an appropriations cycle and that is the way they do it, 13 appropriations bills.

The young man is obviously naive on the way of the system. He wants one big bill. Like we made a mistake last year and put all the bills in one, as the mother of all bills, and the President, to get him to sign it, demanded that we increase the spending in it. We did that. That is a mistake. We are not making that same mistake this year. We are saying in each of the 13 bills, Mr. President, take your magic marker, mark out where you want to, put in your priorities and we will work with you, but we are not going to touch Social Security, Medicare. We are not going to increase taxes. It is that simple.

Mr. BILBRAY. Mr. Speaker, I just think it is interesting, too. I heard the same statement and I think sometimes in this town we get too wrapped up in partisan bickering and we think of partisanship and turn our brain off. A statement that says we are piecemealing the budget, budget bill by budget bill, last year when we did the omnibus bill they said well, this is a conglomeration, this is not the way it is supposed to be; it is not organized to lump it altogether.

So it is almost like let us just complain about whatever is happening and point fingers. I really want to echo the statement of the gentlewoman from New Mexico (Mrs. WILSON) about Democrats, Republicans, are coming to the realization that the new standard is a balanced budget.

Mr. CUNNINGHAM. The friends that were telling me this said they were upset, that their side was rebelling because many of them in each of these 13 appropriations bills worked in a bipartisan way, through the subcommittee, through the committee, did not agree on everything, brought it to the House Floor and now the gentleman from Missouri (Mr. GEPHARDT) tells them to vote against it. They have their projects, they have their hard work, and they thought that was wrong. I think it is wrong for a single minority leader to tell people to vote against every single bill.

Mr. BILBRAY. I would just like to say, there are a lot of Democrats who want to work with us.

Mr. CUNNINGHAM. I agree.

Mr. BILBRAY. There are a lot of them that basically are saying now, why did we not set these basic common decency standards of a balanced budget and not raiding Social Security? It is just that it was done for so long that it took a change in leadership to kind of make us get to the right place.

I really enjoy how many Members on the other side of the aisle really are saying thank you for the changes and the mindset because it set a new standard, a new benchmark.

What I am worried about is that it is going to be so easy to fall back to the old benchmark. It is so easy to go ahead and promise everybody everything and not have enough money and then just pass it on to the next generation. That is one reason why I am very nervous about the future, and one reason why I support the gentlewoman's concept of okay, right now when the overwhelming majority of the elected officials of the United States and the people of the United States agree that we not only should have a constitutional requirement for a balanced budget but also one that does not touch Social Security, now is the time for those who say they really are for those goals to step forward and support the constitutional amendment, to make sure that we do not fall back into our bad ways and have a relapse, as we say in rehab programs, that we keep away from that temptation of having a relapse.

I want to again thank the gentlewoman for taking that leadership role.

Mrs. WILSON. I thank the gentleman from California (Mr. BILBRAY) for those remarks. That idea that there is no turning back, that we cannot turn back the clock of history, it takes so much effort to change the culture of an institution, to change the expectations of

people from being one of spending Social Security to one of protecting Social Security.

The question really is how do you institutionalize this so that it is not a fight every single year, and it is not a negotiation around the fringes every single year, that it is just not an option; that it is as impossible in the Federal Government to take away our retirement as it is in State government and local government.

Mr. CUNNINGHAM. Would the gentlewoman agree, though, that in my district Social Security is not enough to live on in many cases?

Mrs. WILSON. I would definitely agree.

Mr. CUNNINGHAM. Many of my seniors are having to spend their money on prescription drugs, on health care, and many of them are afraid to live day by day. What we are also trying to do is prepare our youth so that we do not run into the same problem in the outyears, to give them a way to set aside, to not tax savings, so that they can set aside money for when they become chronologically gifted that they will have the money and be able to enjoy their grandchildren.

Mrs. WILSON. One of the things that I liked most about the tax package that was sent down to the President, and it was a tax package for over 10 years, that it would allow us to plan for what our spending levels would be and to plan for some tax reduction, and to encourage people to save. One of the provisions that I liked about that most, probably next to the marriage penalty, which really bothers me, I think we should honor marriage and not tax it, but one of the ones that I liked most next to that was the increase in allowances for IRAs.

Right now one can only put in $2,000 tax deferred every year into their individual retirement account. It would have increased it to $5,000 a year.

The gentleman struck on something that I would like to talk about this evening, too, and we have not talked about it much, and that is a commitment to education. We talked about defense and the bill that is on the President's desk right now. He has an opportunity to really make clear his commitment to America's engagement in the world, and his commitment to America's national security and go ahead and sign that bill.

□ 2130

But there is one other issue that is a priority in this year's budget cycle, and that is education. We have not yet dealt with the Labor, Health and Human Services, and Education bill on the house floor. But today we spent the whole day talking about the reauthorization of the elementary and secondary education bill.

We need to make sure that these kids we talk about who are just entering the work force and those kids who are just entering kindergarten have the skills to achieve their dreams, and that means a continuing commitment in this country to education.

The bill that is probably going to come to the floor has an increase over what the President requested for education. The differences will be in where the priorities are in that budget. The President wants 100,000 new teachers. He is only, of course, willing to fund a third of that and tell local school districts, ''Raid your supply account and your utilities account and all your other accounts, and put on some more taxes to match this, and then we will give you that one-third. And, oh, by the way, it is only for 5 years.''

It sounds very much like the cops program that did not get a lot of cops to the street, but local chiefs of police pretty quickly figured out that this was not such a good deal after all.

Mr. BILBRAY. Mr. Speaker, will the gentlewoman yield for a moment on that point?

Mrs. WILSON. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, I was the chairman of a county of 2.8 million when this cops issue was coming up. I heard the President talk about this big number, this 100,000. I looked at how much money he was offering per law enforcement officer. When I ran the numbers, those of us who actually pay to put police officers on the streets, I sat down with my budget people and said, how does this work out?

The gentlewoman from New Mexico is right. It works out less than a third. It was about a quarter for what they were thinking about saying that we could put an officer on the street. It was about a quarter of what it would cost just for the personnel, not the vehicle, the equipment and everything else.

But I still to this day, because of my involvement in law enforcement, every time I hear the statement 100,000 cops on street, I just say, ''How can you say that with a straight face?''

Those of us in California, one may be able to do it with Little Rock, Arkansas, I do not know what they pay their police officers, but let me tell my colleagues, out there in San Diego, California, and I bet it is the same situation in the city of Albuquerque, there is no way any reasonable police chief would be able to say we can hire a police officer permanently at this rate and be able to get to the number of 100,000.

Mrs. WILSON. Mr. Speaker, that of course was not the point at all. The whole point of the program was another Federal program where one gets local governments to carry most of the bill, constrain on what they can use the money for.

I have to commend the Committee on Appropriations for saying wait a minute. Twenty-three years ago, the Federal Government passed something called IDEA, Individuals with Disabilities Education Act. It is the special ed law. They promised that 40 percent of the extra cost would be paid by Federal Government.

Every school district in this country has to comply with the Federal special ed law. But for about 35 years, the Federal Government was only paying 8 percent of the cost, which meant all that money that can be going to smaller class sizes or pencils and paper in school so parents do not have to bring it in from home or computers in the classroom and bricks and books and all of the things we desperately need for teacher training, all of that money had to go to pay the Federal Government's responsibilities.

So this bill this year increases, again, substantially Federal aid to special ed. Let us fund the things we have already committed to fund before we start new government programs.

Mr. CUNNINGHAM. Mr. Speaker, will the gentlewoman yield?

Mrs. WILSON. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, first of all, I am on the Subcommittee on Labor, Health and Human Services, and Education. Secondly, I wrote most of the special education legislation. I was chairman of the committee when it started. Thirdly, I have been a teacher and a coach, both in high school and college, and a dean of a college. My wife has a doctorate in education. My sister-in-law is the head of special education in San Diego County.

What we are doing in the Labor-HHS bill is saying that, for years, we got less than half of the dollars down to the classroom, and we are block granting the money down to the school.

Let me give my colleagues just a quick analysis. People say, ''Well, Duke, why did you not support Goals 2000?'' I did as it initially is, and in concept. But if my colleagues look at Goals 2000, one has to have a plan. They say it is only voluntary, only voluntary if one wants the money. One has to submit it to a board, not one's board of education, but another board. One has to submit that to the board. It goes to the principal. Then it goes to the superintendent. Think of the time. Then all that paperwork has to go to Sacramento, California. Think of the bureaucracy that has to rest in Sacramento.

Now, take all the schools in California sending that paperwork to Sacramento. Where do they have to send it? They have to send it to Washington, D.C. with all of the other States.

We are saying, give the State the money. If they want Goals 2000, if they want the program that works in their area, do it. It actually provides more money to them. We provide $300 million more than the President requested for education.

The President zeroed out impact aid. When one has a military family or Native Americans and one's district, that impacts the school. The President zeroed that. IDEA gave very little amount of money to it. We increase it up to 12 percent in the bill. We think it is important. I think it is important to show the differences in priorities.

Mrs. WILSON. Mr. Speaker, where does all of this leave us? Where are we now on the cusp of the final couple of weeks of this congressional session? We have set some parameters. We are going to keep the balanced budget. We made that commitment in 1997. We achieved it earlier than we thought we were going to. We are going to keep a balanced budget. We are going to stop using Social Security to pay for this year's government programs.

I have to say I read with interest the comment of the White House Chief of Staff in the Washington Post this morning. Even the White House Chief of Staff recognizes that the Republicans key goal is to not spend the Social Security surplus. That is our goal. The President has accepted that as the goal and one of the parameters within which we work. I commend him for that in recognizing that Social Security should be off limits.

We are not going to increase taxes. This House and the Senate have soundly rejected any increase in taxes. We should be having tax relief in a time of plenty, not increases in taxes. We are going to pay down the public debt next year by about $150 billion, and I am very proud of that accomplishment and being part of that.

We are going to strengthen national defense. The President should sign the bill. It is on his desk for defense spending. It is a real increase in defense spending that will stop the erosion and the decline. If he is concerned about America's role in the world, if he is concerned about a new isolationism, it is not coming from this Congress. We are committed to maintaining a strong national defense and increasing defense spending.

We are going to improve education. I see for our children a very bright future. It is one that we are all trying to build together. But we have got to be committed to it. We have to stick to our knitting. We have to get the job done, set the parameters, work in good faith with our colleagues across the aisle and with the President of the United States. But I think that the future is there for us to see and take a few steps back from the political skirmishing of today.

I have to say it must be really tough to be in the minority. I have never, thankfully, been in the minority here. But sometimes I think that there is a small group of folks here who believe that their only job and their only role is to resist and to criticize rather than to govern and to shape. I believe that together we can govern and shape.

If we take a little bit of a step back from protecting Social Security and resisting the temptation to increase taxes, protecting our national defense, and improving education, to see things in a little bit bigger context, 3 weeks from now, we are going to be celebrating the 10th anniversary of the fall of the Berlin Wall. It has been a marvelous 10 years. We have achieved great things. We have resisted the temptation to turn in on ourselves. I remember very clearly the week that that wall came down. It was a life-changing experience for many Americans and for many Americans in uniform.

Very often, the aftermath of a great war is a rank thing. It certainly was in the First World War of this century. We resisted it after the Second World War because of the Cold War.

Ten years ago, I think there was a real fear that America would turn in on itself, but we have not. We are building a strong foundation for a new century. All of us who serve in this body should be proud of that.

We have a series of spending bills. They are pretty solid, based on some pretty solid foundations. We are committed to working with the President on the final ones, as long as they do not touch Social Security. We do not increase taxes, and we keep the focus on defense and education.

Mr. Speaker, I yield to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I do not remember the exact amount, I believe it was almost 100 percent, if not 100 percent, of the authorization committee on defense supported the bill in the defense appropriation. That is in the Senate and the House. On the appropriations cycle, Democrats and Republicans alike supported the defense bill that came out in the conference. One hundred percent signed it. The President is wrong to veto a defense bill that increases our military servicemen's pay by 1.8 percent.

Mrs. WILSON. Mr. Speaker, the gentleman is right. There are over 350 members of this House that voted yes on that final conference report.

Mr. CUNNINGHAM. Mr. Speaker, I laud, not only the experience of the gentlewoman from New Mexico (Mrs. WILSON), even though it is in the Air Force instead of the Navy. But I laud her leadership in defense and also the gentlewoman from Florida (Mrs. FOWLER). I want to tell my colleagues, when it comes to standing up for our men and women in uniform, there are no two stronger women in this House than the gentlewoman from New Mexico (Mrs. WILSON) and the gentlewoman from Florida (Mrs. FOWLER).

Mrs. WILSON. Mr. Speaker, I appreciate the gentleman's remarks, and I also appreciated the Diet Coke and his willingness to back his team in spite of certain defeat.

Mr. Speaker, it is a real pleasure to be here tonight to talk about some things that I think are important to this country. I look forward to working with my colleagues on both sides of the aisle and the President to working out these final elements of these bills.

We have drawn a line in the sand, as the gentleman from California (Mr. CUNNINGHAM) said. It is a line in the sand that says we are not going to raise taxes, and we are not going to cut Social Security. Within that, we will work with the President. Our priorities within that playing field are national defense and education. But we are willing to work with him to achieve something that is important for us and for our children. And that is our message tonight.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. HASTINGS of Washington (during the Special Order of Mrs. WILSON), from the Committee on Rules, submitted a privileged report (Rept. No. 106–407) on the resolution (H. Res. 337) waiving points of order against the conference report to accompany the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2300, ACADEMIC ACHIEVEMENT ACT FOR ALL

Mr. HASTINGS of Washington (during the Special Order of Mrs. WILSON), from the Committee on Rules, submitted a privileged report (Rept. No. 106–408) on the resolution (H. Res. 338) providing for consideration of the bill (H.R. 2300) to allow a State to combine certain funds to improve the academic achievement of all its students, which was referred to the House Calendar and ordered to be printed.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

March 5, 1999:

H.R. 433, An act to restore the management and personnel authority of the Mayor of the District of Columbia.

March 15, 1999:

H.R. 882, An act to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes.

March 25, 1999:

H.R. 540, An act to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

March 30, 1999:

H.R. 808, An act to extend for 6 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

April 1, 1999:

H.R. 1212, An act to protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year.

April 5, 1999:

H.R. 68, An act to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

H.R. 92, An act to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the ''Hiram H. Ward Federal Building and United States Courthouse''.

H.R. 158, An act to designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the ''James F. Battin United States Courthouse''.

H.R. 233, An act to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the ''Richard C. White Federal Building''.

H.R. 396, An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the ''Ronald V. Dellums Federal Building''.

April 6, 1999:

H.J. Res. 26, Joint Resolution providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 27, Joint Resolution providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 28, Joint Resolution providing for the reappointment of Wesley S. Williams, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.R. 774, An act to amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women's business center program.

April 8, 1999:

H.R. 171, An act to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes.

H.R. 705, An act to make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives.

April 9, 1999:

H.R. 193, An act to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System.

April 19, 1999:

H.R. 1376, An act to extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes.

April 27, 1999:

H.R. 440, An act to make technical corrections to the Microloan Program.

H.R. 911, An act to designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the ''Terry Sanford Federal Building''.

April 29, 1999:

H.R. 800, An act to provide for education flexibility partnerships.

May 21, 1999:

H.R. 432, An act to designate the North/South Center as the Dante B. Fascell North-South Center.

H.R. 669, An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

H.R. 1141, An act making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

June 1, 1999:

H.R. 1034, An act to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

June 7, 1999:

H.R. 1121, An act to designate the Federal Building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the ''Lewis R. Morgan Federal Building and United States Courthouse''.

June 8, 1999:

H.R. 1183, An act to amend the Fastner Quality Act to strengthen the protection against the sale of mismarked misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

June 15, 1999:

H.R. 1379, An act to amend the Omnibus Consolidated and Emergency Supplementary Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance.

June 25, 1999:

H.R. 435, An act to make miscellaneous and technical changes to various trade laws, and for other purposes.

July 20, 1999:

H.R. 775, An act to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

July 22, 1999:

H.R. 4, An act to declare it to be the policy of the United States to deploy a national missile defense.

July 28, 1999:

H.R. 2035, An act to correct errors in the authorities of certain programs administered by the National Highway Traffic Safety Administration.

August 10, 1999:

H.R. 66, An act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

August 11, 1999:

H.R. 2565, An act to clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States.

August 17, 1999:

H.R. 211, An act to designate the Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, as the ''Thomas S. Foley United States Courthouse'', and the plaza at the south entrance of such building and courthouse as the ''Walter F. Horan Plaza''.

H.R. 1219, An act to amend the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects.

H.R. 1568, An act to provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes.

H.R. 1664, An act providing emergency authority for guarantees of loans to qualified steel and iron ore companies and to qualified oil and gas companies, and for other purposes.

H.R. 2465, An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

September 24, 1999:

H.R. 457, An act to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

September 29, 1999:

H.J. Res. 34, Joint resolution congratulating and commending the Veterans of Foreign Wars.

H.R. 1905, An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for the other purposes.

H.R. 2490, An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 2605, An act making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

September 30, 1999:

H.J. Res. 68, Joint resolution making continuing appropriations for the fiscal year 2000, and for other purposes.

October 5, 1999:

H.R. 2981, An act to extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

October 9, 1999:

H.R. 2084, An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

October 19, 1999:

H.R. 3036, An act to restore motor carrier safety enforcement authority to the Department of Transportation.

October 20, 1999:

H.R. 2684, 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.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

March 23, 1999:

S. 447, An act to deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999.

March 31, 1999:

S. 643, An act to authorize the Airport Improvement Program for 2 months, and for other purposes.

April 2, 1999:

S. 314, An act to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

April 27, 1999:

S. 388, An act to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration.

May 4, 1999:

S. 531, An act to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

May 13, 1999:

S. 453, An act to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the ''Hurff A. Saunders Federal Building''.

S. 460, An act to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the ''Robert K. Rodibaugh United States Bankruptcy Courthouse''.

August 2, 1999:

S. 361, An act to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming certain land so as to correct an error in the patent issued to their predecessors in interest.

S. 449, An act to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property.

August 5, 1999:

S. 604, An act to direct the Secretary of Agriculture to complete a land exchange with Georgia Power Company.

S. 880, An act to amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program, and for other purposes.

S. 1258, An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

S. 1259, An act to amend the Trademark Act of the 1946 relating to dilution of famous marks, and for other purposes.

S. 1260, An act to make technical corrections in title 17, United States Code, and other laws.

August 13, 1999:

S. 1543, An act to amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

August 17, 1999:

S. 507, An act to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

S. 606, An act for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

S. 1546, An act to amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United State Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

September 29, 1999:

S. 1637, An act to extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

Octobr 1, 1999:

S. 380, An act to reauthorize the Congressional Award Act.

October 5, 1999:

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.

October 6, 1999:

S. 293, An act to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.

S. 944, An act to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

S. 1072, An act to make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.).

October 9, 1999:

S. 1606, An act to extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted.

October 12, 1999:

S. 249, An act to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

October 19, 1999:

S. 559, An act to designate the Federal building located at 300 East 8th Street in Austin, Texas, as the ''J.J. 'Jake' Pickle Federal Building''.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. MCNULTY, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.

Mr. ISAKSON, for 5 minutes, October 22.

Mr. FOSSELLA, for 5 minutes, today.

Mr. BACHUS, for 5 minutes, today and October 21.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1652. An act to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building; to the Committee on Transportation and Infrastructure.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 659. To authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

ADJOURNMENT

Mr. CUNNINGHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Thursday, October 21, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4844. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State Designations; California, Pennsylvania, and Puerto Rico [Docket No. 99–063–1] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4845. A letter from the Chief, Accounting Policy Division, Federal Communications Commission, transmitting the Commission's final rule—Federal- State Joint Board On Universal Service [CC Docket No. 96–45; CC Docket No. 96–262] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4846. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—NRC Enforcement Policy; Enforcement Action Against Nonlicensees under 10 CFR Part 72 (NUREG–1600, Rev.1) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4847. A letter from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting Content of the Updated Final Safety Analysis Report in Accordance with 10 CFR 50.71(e); to the Committee on Commerce.

4848. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that the Republic of Moldova, the Russian Federation, and

Ukraine are committed to the courses of action described in Section 1203(d) of the Cooperative Threat Reduction Act of 1993, Section 1412(d) of the Former Soviet Union Demilitarization Act of 1992 and Section 502 of the FREEDOM Support Act; to the Committee on International Relations.

4849. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule To List the Devils River Minnow as Threatened (RIN: 1018–AE 86) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4850. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Final Rule to List Astragalus desereticus (Deseret milk-vetch) as Threatened (RIN: 1018–AE57) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4851. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Determination of Threatened Status for the Plant Helianthus paradoxus (Pecos Sunflower) (RIN: 1018–AE88) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4852. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Inshore Component in the Bering Sea Subarea [Docket No. 990304063–9063–01; I.D. 100699B] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4853. A letter from the General Counsel of the Department of Commerce, transmitting a draft of proposed legislation to make two technical changes to the Trademark Act of 1946 regarding adjustments to trademark fees and regarding the date for filing opposition to trademark registrations, and revising section 41 of title 35, United States Code, to lower certain patent fees; to the Committee on the Judiciary.

4854. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations: Editorial Corrections and Clarifications [Docket No. RSPA–99–6212 (HM–189P)] (RIN: 2137–AD38) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4855. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Acushnet River, MA [CGD01–99–174] received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4856. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Night in Venice, Great Egg Harbor, City of Ocean City, New Jersey [CGD 05–99–016] (RIN: 2115–AE46) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4857. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Stone Mountain Productions; Tennessee River Mile 463.5–464.5; Chattanooga, TN [CGD08–99–060] (RIN: 2115–AE46) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4858. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Harlem River, Newtown Creek, NY [CGD01–99–175] (RIN: 2115–AE47) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4859. A letter from the Principal Deputy Assistant Secretary for Congressional Affairs, Department of Veterans Affairs, transmitting a draft of proposed legislation entitled, ''Veterans Programs Improvement Act of 1999''; to the Committee on Veterans' Affairs.

4860. A letter from the Chief, Regulations Division, ATF, Department of Treasury, transmitting the Department's final rule—Labeling of Hard Cider (97–2523) [Notice No. 881 Re: T.D. ATF–398, Notice No. 859 and Notice No. 869) (RIN: 1512–AB71) received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4861. A letter from the Commissioner, Social Security Administration, transmitting a draft of proposed legislation to authorize application of the civil monetary penalty authority to representative payees who convert benefits and other individuals who misuse social security cards or numbers; to the Committee on Ways and Means.

4862. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to facilitate the administration and enforcement of voluntary commodity inspection and grading programs, the tobacco inspection program, and marketing agreements and orders; jointly to the Committees on Agriculture and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2970. A bill to prescribe certain terms for the resettlement of the people of Rongelap Atoll due to conditions created at Rongelap during United States administration of the Trust Territory of the Pacific Islands, and for other purposes (Rept. 106–404). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 970. A bill to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota; with an amendment (Rept. 106–405). Referred to the Committee of the Whole House on the State of the Union.

Mr. REGULA: Committee of Conference. Conference report on H.R. 2466. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–406). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 337. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–407). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 338. Resolution providing for consideration of the bill (H.R. 2300) to allow a State to combine certain funds to improve the academic achievement of all its students (Rept. 106–408). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1023. A bill for the relief of Richard W. Schaffert (Rept. 106–403). Referred to the Private Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE:

H.R. 3111. A bill to exempt certain reports from automatic elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995; to the Committee on the Judiciary.

By Mr. MCINNIS:

H.R. 3112. A bill to amend the Colorado Ute Indian Water Rights Settlement Act to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; to the Committee on Resources.

By Mrs. WILSON (for herself, Mr. GREEN of Texas, Mr. BAKER, Mr. BARRETT of Wisconsin, Mr. BLUNT, Mr. BOUCHER, Mrs. CUBIN, Mr. DEAL of Georgia, Mr. EHRLICH, Mr. ENGLISH, Mr. GILLMOR, Mr. GORDON, Mr. GREENWOOD, Mr. HASTINGS of Washington, Mr. KLINK, Mr. LUTHER, Ms. MCCARTHY of Missouri, Mr. MCINTOSH, Mr. OXLEY, Mr. ROGAN, Mr. SANDLIN, Mr. SAWYER, Mr. SHIMKUS, Mr. STEARNS, Mr. STRICKLAND, and Mr. STUPAK):

H.R. 3113. A bill to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail; to the Committee on Commerce.

By Ms. GRANGER:

H.R. 3114. A bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare Program; to the Committee on Ways and Means.

By Mr. ISTOOK (for himself, Mr. DICKEY, and Mr. WICKER):

H.R. 3115. A bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research; to the Committee on Commerce.

By Mr. KOLBE (for himself and Mr. MATSUI):

H.R. 3116. A bill to promote openess, transparency, and efficiency in international government procurement through capacity building and, where appropriate, third-party

procurement monitoring, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 3117. A bill to amend the Truth in Lending Act to require 90 days notice before changing the annual percentage rate of interest applicable on any credit card account or before changing the index used to determine such rate, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MCHUGH (for himself and Mr. PETERSON of Minnesota):

H.R. 3118. A bill to direct the Secretary of the Interior to issue regulations under the Migratory Bird Treaty Act that authorize States to establish hunting seasons for double-crested cormorants; to the Committee on Resources.

By Mr. NEAL of Massachusetts:

H.R. 3119. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain stipends paid as part of a State program under which individuals who have attained age 60 perform essentially volunteer services specified by the program; to the Committee on Ways and Means.

By Mr. TRAFICANT (for himself and Mr. BURTON of Indiana):

H. Con. Res. 202. Concurrent resolution expressing the sense of Congress that the Capitol Police Board should exercise the authority granted to it under law to exempt members of the United States Capitol Police with good service records from mandatory separation from employment at 57 years of age; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. MEEKS of New York.

H.R. 88: Mr. BERMAN, Mrs. THURMAN, Mr. BROWN of Ohio, and Mr. INSLEE.

H.R. 488: Mr. OWENS and Mr. PHELPS.

H.R. 532: Ms. KAPTUR.

H.R. 623: Mr. FOSSELLA, Mr. LARGENT, and Mrs. CUBIN.

H.R. 627: Ms. LEE.

H.R. 664: Mr. FALEOMAVAEGA.

H.R. 670: Mr. OBERSTAR, Mr. CAPUANO, Mr. COLLINS, Mr. JOHN, Ms. WOOLSEY, Mr. KANJORSKI, Mr. HILLIARD, and Mr. COOK.

H.R. 721: Mr. MCHUGH.

H.R. 919: Mr. CLAY.

H.R. 979: Mr. OLVER, Ms. BALDWIN, Mr. HOYER, Mr. OWENS, Mr. HORN, Mr. COSTELLO, and Mr. BONIOR.

H.R. 984: Mrs. MORELLA, Mr. MASCARA, Ms. BERKLEY, Mr. WYNN, Mr. TALENT, and Mr. HILLIARD.

H.R. 997: Mr. CLYBURN and Mr. COOKSEY.

H.R. 1046: Mr. FILNER and Mr. KILDEE.

H.R. 1111: Mr. HOLT.

H.R. 1221: Mr. GILMAN and Mr. CANNON.

H.R. 1244: Mr. CUNNINGHAM, Mr. LATOURETTE, Ms. PRYCE of Ohio, and Mr. CALVERT.

H.R. 1248: Mr. BILBRAY, Mr. BISHOP, and Mr. LAMPSON.

H.R. 1283: Mr. MCKEON, Mr. SUNUNU, Mr. SMITH of Michigan, Mr. BURR of North Carolina, and Mr. EHLERS.

H.R. 1300: Mr. FLETCHER, Mr. LEWIS of Kentucky, and Mrs. NORTHUP.

H.R. 1349: Mr. GEKAS.

H.R. 1356: Mr. EVANS.

H.R. 1367: Mr. HILLIARD.

H.R. 1398: Mr. HOEKSTRA.

H.R. 1407: Mr. VENTO.

H.R. 1483: Mr. TANNER, Mr. DOYLE, Mr. BORSKI, and Mr. CAPUANO.

H.R. 1504: Mr. BACHUS, Mr. COOK, Mr. KASICH, Mrs. EMERSON, and Mr. HILLEARY.

H.R. 1532: Mr. SOUDER.

H.R. 1592: Mr. MILLER of Florida and Mrs. CLAYTON.

H.R. 1622: Mr. MASCARA and Mr. DIXON.

H.R. 1657: Mr. FRANKS of New Jersey.

H.R. 1775: Mr. PASCRELL, Mr. FARR of California, and Mr. FILNER.

H.R. 1839: Mr. FOSSELLA.

H.R. 1861: Mr. STUMP.

H.R. 1870: Mr. ETHERIDGE.

H.R. 1885: Ms. SCHAKOWSKY, Mr. LAFALCE, and Ms. RIVERS.

H.R. 1997: Mr. PETRI, Mr. ABERCROMBIE, Mr. RANGEL, Ms. PELOSI, Mr. RAMSTAD, Mr. VENTO, and Mr. CAMPBELL.

H.R. 2029: Mr. CALVERT.

H.R. 2030: Mr. KUYKENDALL.

H.R. 2303: Mr. SHUSTER, Mrs. BIGGERT, and Mr. INSLEE.

H.R. 2356: Mr. KUYKENDALL.

H.R. 2365: Mr. OWENS, Mr. EVANS, and Mr. OLVER.

H.R. 2372: Mr. BONILLA and Mr. ORTIZ.

H.R. 2486: Mr. KLINK, Ms. LOFGREN, Mr. GEORGE MILLER of California, Mr. STARK, and Mrs. MEEK of Florida.

H.R. 2527: Mr. GONZALEZ and Mr. GUTIERREZ.

H.R. 2538: Mr. RILEY.

H.R. 2539: Mr. ROYCE.

H.R. 2709: Mr. CALLAHAN, Mr. DOYLE, Mr. WALDEN of Oregon, Mr. GREENWOOD, Mr. SHIMKUS, Mr. CUNNINGHAM, Mr. PHELPS, Mr. BALDACCI, and Mr. HAYES.

H.R. 2727: Mr. WHITFIELD, Mr. CASTLE, and Mr. FRANK of Massachusetts.

H.R. 2738: Mr. GEJDENSON.

H.R. 2776: Mr. GREEN of Texas and Mr. DAVIS of Virginia.

H.R. 2807: Mrs. THURMAN.

H.R. 2814: Mr. WALDEN of Oregon.

H.R. 2827: Mr. BARRETT of Nebraska and Mr. GANSKE.

H.R. 2870: Mr. BALDACCI and Mr. NADLER.

H.R. 2900: Mr. BALDACCI.

H.R. 2901: Mr. GREEN of Wisconsin.

H.R. 2911: Mr. UNDERWOOD.

H.R. 2969: Mr. FLETCHER.

H.R. 3047: Mr. HOUGHTON and Mr. UNDERWOOD.

H.R. 3062: Mr. RAHALL, Mr. MOLLOHAN, Mr. HILLIARD, and Mr. BOUCHER.

H.R. 3075: Mr. FLETCHER and Mr. MCKEON.

H.R. 3095: Mr. BROWN of Ohio and Mr. MCCOLLUM.

H.R. 3107: Mr. STARK.

H.R. 3110: Mr. LAZIO.

H. Con. Res. 79: Mr. GONZALEZ, Mr. HALL of Texas, Mr. CALVERT, and Mr. SANDLIN.

H. Con. Res. 100: Mr. WU and Mr. GOODLATTE.

H. Con. Res. 148: Mr. GOSS.

H. Con. Res. 159: Mr. RUSH.

H. Con. Res. 186: Mr. WAMP, Mr. BAKER, Mr. COMBEST, Mr. FRANKS of New Jersey, Mr. DICKEY, Mr. COOK, and Mr. EHRLICH.

H. Con. Res. 190: Mr. OXLEY.

H. Con. Res. 199: Mr. PETERSON of Minnesota and Mr. POMBO.

H. Res. 224: Mr. FLETCHER.

H. Res. 238: Mr. FROST, Mr. BRADY of Texas, and Mr. BARCIA.

H. Res. 298: Mr. WAXMAN, Mr. VITTER, Mr. PETERSON of Minnesota, Mr. UNDERWOOD, Mr. BOSWELL, Mr. JOHN, and Ms. HOOLEY of Oregon.

H. Res. 325: Mrs. MALONEY of New York, Mr. GALLEGLY, and Mr. FRANKS of New Jersey.

H. Res. 332: Ms. LOFGREN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. ARMEY

AMENDMENT NO. 56: Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

''SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

''(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

''(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

''(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

''(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

''(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

''(2) The State educational agency shall determine which schools in the State are unsafe public schools.

''(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

''(A) expulsions and suspensions of students from school;

''(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

''(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

''(D) enrolled students who are under court supervision for past criminal behavior;

''(E) possession, use, sale or distribution of illegal drugs;

''(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

''(G) possession or use of guns or other weapons;

''(H) participation in youth gangs; or

''(I) crimes against property, such as theft or vandalism.

''(c) TRANSPORTATION AND TUITION COSTS.—The local educational agency that serves the public school in or the grounds on which the violent criminal offense occurred or that serves the designated unsafe public school may use funds hereafter provided under this part to provide transportation services or to pay the reasonable costs of transportation or the reasonable costs of tuition or mandatory fees associated with attending another school, public or private, selected by the student's parent. The local educational agency shall ensure that this subsection is carried out in a constitutional manner.

''(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

''(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

''(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

''(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

''(g) CONSTRUCTION.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private elementary school or secondary school that a child of the parent will attend within the State.

''(h) CONSIDERATION OF ASSISTANCE.—Assistance used under this section to pay the costs for a student to attend a private school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private school as a result of assistance received under this section.

''(i) CONTINUING ELIGIBILITY.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for 5 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

''(j) TUITION CHARGES.—Assistance under this section may not be used to pay tuition or mandatory fees at a private elementary school or secondary school in an amount that is greater than the tuition and mandatory fees paid by students not assisted under this section at such private school.

''(k) SECTARIAN INSTITUTIONS.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution that prohibits the expenditure of public funds in or by sectarian institutions.''

After part G of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 171 of the bill, insert the following:

PART F—ACADEMIC EMERGENCIES

SEC. 181. ACADEMIC EMERGENCIES.

(a) ACADEMIC EMERGENCIES.—Title I of the Act is amended by adding at the end the following:

''PART H—ACADEMIC EMERGENCIES

''SEC. 1801. SHORT TITLE.

''This part may be cited as the ''Academic Emergency Act''.

''SEC. 1802. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to provide funds to States that have 1 or more schools designated under section 1803 as academic emergency schools to provide parents whose children attend such schools with education alternatives.

''(b) GRANTS TO STATES.—Grants awarded to a State under this part shall be awarded for a period of not more than 5 years.

''SEC. 1803. ACADEMIC EMERGENCY DESIGNATION.

''(a) DESIGNATION.—The Governor of each State may designate 1 or more schools in the State that meet the eligibility requirements set forth in subsection (b) or are identified for school improvement under section 1116(b) as academic emergency schools.

''(b) ELIGIBILITY.—To be designated as an academic emergency school, the school shall be a public elementary school—

''(1) with a consistent record of poor performance by failing to meet minimum academic standards as determined by the State; and

''(2) in which more than 50 percent of the children attending are eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

''(c) LIST TO SECRETARY.—To receive a grant under this part, the Governor shall submit a list of academic emergency schools to the State educational agency and the Secretary.

''SEC. 1804. APPLICATION AND STATE SELECTION.

''(a) APPLICATION.—Each State in which the Governor has designated 1 or more schools as academic emergency schools shall submit an application to the Secretary that includes the following:

''(1) ASSURANCES.—Assurances that the State shall—

''(A) use the funds provided under this part to supplement, not supplant, State and local funds that would otherwise be available for the purposes of this part;

''(B) provide written notification to the parents of every student eligible to receive academic emergency relief funds under this part, informing the parents of the voluntary nature of the program established under this part, and the availability of qualified schools within their geographic area;

''(C) provide parents and the education community with easily accessible information regarding available education alternatives; and

''(D) not reserve more than 4 percent of the amount made available under this part to pay administrative expenses.

''(2) INFORMATION.—Information regarding each academic emergency school, for the school year in which the application is submitted, regarding the number of children attending such school, including the number of children who are eligible for free or reduced-price lunch under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the level of student performance.

''(b) STATE AWARDS.—

''(1) STATE SELECTION.—From the amount appropriated pursuant to the authority of section 1814 in any fiscal year, the Secretary shall award grants to States in accordance with this section.

''(2) PRIORITY.—To the extent practicable, the Secretary shall ensure that each State that completes an application in accordance with subsection (a) shall receive a grant of sufficient size to provide education alternatives to not less than 1 academic emergency school.

''(3) AWARD CRITERIA.—In determining the amount of a grant award to a State under this part, the Secretary shall take into consideration the number of schools designated as academic emergencies in the State and the number of eligible students in such schools.

''(4) STATE PLAN.—Each State that applies for funds under this part shall establish a plan—

''(A) to ensure that the greatest number of eligible students who attend academic emergency schools have an opportunity to receive an academic emergency relief funds; and

''(B) to develop a simple procedure to allow parents of participating eligible students to redeem academic emergency relief funds.

''SEC. 1805. SELECTION OF ACADEMIC EMERGENCY SCHOOLS AND AWARDS TO PARENTS.

''(a) SELECTION.—The State shall select academic emergency schools based on —

''(1) the number of eligible students attending an academic emergency school;

''(2) the availability of qualified schools near the academic emergency school; and

''(3) the academic performance of students in the academic emergency school.

''(b) INSUFFICIENT FUNDS.—If the amount of funds made available to a State under this part is insufficient to provide every eligible student in a selected academic emergency school with academic emergency relief funds, the State shall devise a random selection process to provide eligible students in such school whose family income does not exceed 185 percent of the poverty line the opportunity to participate in education alternatives established pursuant to this part.

''(c) PAYMENTS.—

''(1) IN GENERAL.—From the funds made available to a State under this part and not reserved under section 1804(a)(1)(D), a State shall pay not more than $3,500 in academic emergency relief funds to the parents of each participating eligible student.

''(2) PERIOD OF AWARDS.—The academic emergency relief funds awarded to parents of participating eligible students shall be awarded for each school year during the grant period which shall terminate—

''(A) when a participating eligible student is no longer a student in the State; or

''(B) at the end of 5 years,

whichever occurs first.

''(3) DURATION.—A State shall continue to receive funds under this part for distribution to parents of participating eligible students throughout the 5-year grant period.

''SEC. 1806. QUALIFIED SCHOOLS.

''(a) QUALIFICATIONS.—A State that submits an application to the Secretary under section 1804 shall publish the qualifications necessary for a school to participate as a qualified school under this part. At a minimum, each such school shall—

''(1) provide assurances to the State that it will comply with section 1810;

''(2) certify to the State that the amount charged to a parent using academic relief funds for tuition and fees does not exceed the amount for such tuition and fees charged to a parent not using such relief funds whose child attends the qualified school (excluding scholarship students attending such school); and

''(3) report to the State, not later than July 30 of each year in a manner prescribed by the State, information regarding student performance.

''(b) CONFIDENTIALITY.—No personal identifiers may be used in such report described in

subsection (a)(3), except that the State may request such personal identifiers solely for the purpose of verifying student performance.

"SEC. 1807. ACADEMIC EMERGENCY RELIEF FUNDS.

''(a) USE OF ACADEMIC EMERGENCY RELIEF FUNDS.—A parent who receives academic emergency relief funds from a State under this part may use such funds to pay the costs of tuition and mandatory fees for a program of instruction at a qualified school.

''(b) NOT SCHOOL AID.—Academic emergency relief funds under this part shall be considered assistance to the student and shall not be considered assistance to a qualified school.

"SEC. 1808. EVALUATION.

''(a) ANNUAL EVALUATION.—

''(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, subject to amounts specified in Appropriation Acts, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the education alternative program established under this part.

''(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate the education alternative program established under this part in accordance with the evaluation criteria described in subsection (b).

''(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

''(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the education alternative program established under this part. Such criteria shall provide for—

''(1) a description of the effects of the programs on the level of student participation and parental satisfaction with the education alternatives provided pursuant to this part compared to the educational achievement of students who choose to remain at academic emergency schools selected for participation under this part; and

''(2) a description of the effects of the programs on the educational performance of eligible students who receive academic emergency relief funds compared to the educational performance of students who choose to remain at academic emergency schools selected for participation under this part.

"SEC. 1809. REPORTS BY COMPTROLLER GENERAL.

''(a) INTERIM REPORTS.—Three years after the date of enactment of the Student Results Act of 1999, the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1808(a)(2) for the education alternative program established under this part. The report shall contain a copy of the annual evaluation under section 1808(a)(2) of education alternative program established under this part.

''(b) FINAL REPORT.—The Comptroller General shall submit a final report to Congress, not later than 7 years after the date of the enactment of the Student Results Act of 1999, that summarizes the findings of the annual evaluations under section 1808(a)(2).

"SEC. 1810. CIVIL RIGHTS.

''(a) IN GENERAL.—A qualified school under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

''(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

''(1) APPLICABILITY.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a qualified school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the qualified school.

''(2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a qualified school from offering, a single-sex school, class, or activity.

"SEC. 1811. RULES OF CONSTRUCTION.

''(a) IN GENERAL.—Nothing in this part shall be construed to prevent a qualified school that is operated by, supervised by, controlled by, or connected to a religious organization from employing, admitting, or giving preference to persons of the same religion to the extent determined by such school to promote the religious purpose for which the qualified school is established or maintained.

''(b) SECTARIAN PURPOSES.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a qualified school to remove religious art, icons, scripture, or other symbols.

"SEC. 1812. CHILDREN WITH DISABILITIES.

''Nothing in this part shall affect the rights of students, or the obligations of public schools of a State, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"SEC. 1813. DEFINITIONS.

''As used in this part:

''(1) The terms ''local educational agency'' and ''State educational agency'' have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(2) The term ''eligible student'' means a student enrolled, in a grade between kindergarten and 4th, in an academic emergency school during the school year in which the Governor designates the school as an academic emergency school, except that the parents of a child enrolled in kindergarten at the time of the Governor's designation shall not be eligible to receive academic emergency relief funds until the child is in first grade.

''(3) The term ''Governor'' means the chief executive officer of the State.

''(4) The term ''parent'' includes a legal guardian or other person standing in loco parentis.

''(5) The term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

''(6) The term ''qualified school'' means a public, private, or independent elementary school that meets the requirements of section 1806 and any other qualifications established by the State to accept academic emergency relief funds from the parents of participating eligible students.

''(7) The term ''Secretary'' means the Secretary of Education.

''(8) The term ''State'' means each of the 50 States and the District of Columbia.

"SEC. 1814. AUTHORIZATIONS OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004, except that the amount authorized to be appropriated may not exceed $100,000,000 for any fiscal year.''.

(b) REPEALS.—The following programs are repealed:

(1) INTERNATIONAL EDUCATION EXCHANGE PROGRAM.—Section 601 of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(2) FUND FOR THE IMPROVEMENT OF EDUCATION.—Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(3) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

H.R. 2

OFFERED BY: MR. SCOTT

AMENDMENT NO. 57: Strike title III of the bill.

H.R. 2

OFFERED BY: MR. UDALL OF NEW MEXICO

AMENDMENT NO. 58: Section 1125 of the Act is amended by adding a subsection (i)—

''(i)(1) The Secretary shall grant to the Santa Fe Indian School a permanent use permit for the entire premises and grounds of the Santa Fe Indian School in Santa Fe, New Mexico, for the purposes of allowing and encouraging the school to enter into long term agreements for the benefit of the educational programs of the school. Such grant shall be made to, and controlled by, the Governors of the Pueblos located in New Mexico, who shall act through joint action taken by motion acted upon by a majority of said Governors, in a manner to be determined by the Governors and the school board of the Santa Fe Indian School. Such action shall only be for the benefit of the educational program at the school. No action shall be taken which uses this property in furtherance of, or support of, gaming activities, or the sale of tobacco products or alcohol, whether for the Pueblos (jointly or severally) or the school.

(2) Upon motion of the Governors of the Pueblos of New Mexico, acted upon by a majority of said Governors acting in consultation with the school board of the Santa Fe Indian School, the Secretary shall take action, in the most expeditious fashion, to clear any questions related to the fee title of said property, as set forth in paragraph (1) of this subsection. Upon action of the Governors of the Pueblos of New Mexico taken in consultation with the school board of the Santa Fe Indian School, the Secretary shall take such actions as may be necessary to transfer the title in such property to the 19 Pueblos tribes of New Mexico, acting for the school, provided that said property shall remain trust property and exempt from all taxation and State administration and shall continue to be used for the education of Indian students.''

EXTENSIONS OF REMARKS

TRIBUTE TO AMERICORPS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. WAXMAN. Mr. Speaker, today I would like to pay tribute to over 100,000 individuals who have served the American community through their participation in Americorps. As this program completes its fifth year, I would like to recognize some of the outstanding work that Americorps members have been doing in the Los Angeles area.

Working with Building Up Los Angeles, over 100 Americorps participants a year serve thousands of young people from kindergarten through high school at 29 sites including public schools, churches and community centers. Corps members tutor and mentor children during the school year and deliver academic support services when school is out; provide health education and organize teen pregnancy and domestic violence prevention programs; and encourage residents to have pride in their communities through neighborhood clean-up and beautification projects and public art projects. Building Up Los Angeles serves East Los Angeles, Central City South, Hollywood, Northeast Los Angeles, Pico Union, Koreatown, the San Fernando Valley, Pocoima, South Central, and Watts.

Over 100 individuals with the Southern California Environmental Resources Management AmeriCorps Program have been working to protect our environment by distributing over 30,000 water-conserving devices, such as low-flow showerheads, to residents in the Compton area and other communities in the greater metropolitan basin. The program, which is administered by the Executive Partnership for Environmental Resources Training (ExPERT), will mean a savings of over 4 billion gallons of water per year over the next ten years.

In Bellflower, California, approximately 65 Americorps tutors work with Project REACH (Reading Excellence Achieved with Community Help) and Project APPLE (After School Program Promoting Learning and Enrichment), which provide academic support and enrichment for 1300 students in grades K–8, with emphasis on grades three and four. This year, additional opportunities to serve through Project REACH and Project APPLE included a series of literacy programs designed to promote parent involvement; helping to organize the Special Olympics; assisting with a Community Immunization Project; planning activities for children in the performing arts; providing nutrition education; and developing initiatives that help children gain teamwork and leadership skills.

Through their work, Americorps members are helping to improve neighborhoods and schools, develop communities, and protect the environment. I am pleased to have this opportunity to commend and thank those individuals who have served through the Americorps program and made such valuable contributions in the Los Angeles area.

TRIBUTE TO HANK SMETAK

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. FROST. Mr. Speaker, I rise today to pay tribute to Hank Smetak. Mr. Smetak worked 50 years in the defense industry, helping keep America free, during times of war and peace.

Mr. Smetak's career in the aerospace defense industry has spanned over five decades, through conflicts in Korea, Vietnam, and the Persian Gulf, and outlasting a Cold War that had an impact on almost every part of the world.

Mr. Smetak started his career at Vogt, now Lockheed Martin, from 1949 to 59, from 1959 through 1968 he was employed by Rohr Industries. Then he returned to Lockheed serving from 1968 to the present. From Rohr to LTV to Loral to Lockheed Martin, Mr. Smetak has been a constant through many changes, and he had helped make North Texas home to the cutting edge of America's defense industry.

Mr. Smetak, thank you for 50 years of loyalty to North Texas' defense industry. For 50 years, your work has contributed to defending America's freedom and our values, and has helped make us the world's only Superpower.

TRIBUTE TO DEBORAH A. SLOAN

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention an honor bestowed upon Deborah A. Sloan, a teacher at Zia Elementary School in Albuquerque, New Mexico. Ms. Sloan was selected as a participant in the Fulbright Memorial Fund Teacher Program.

Ms. Sloan, was selected from a national pool of more than 2,700 applicants for this honor. As a member of the Navajo/Hopi Tribe and a distinguished teacher she is an outstanding representative of the rich, diverse culture in New Mexico. Ms. Sloan joined 200 educators from throughout the United States to travel Japan. They visited primary and secondary schools, colleges, businesses and cultural sights to learn about effective educational tools and techniques. As a representative of New Mexico schools she shared her knowledge and insight regarding education with people from throughout the United States and Japan. Her participation is a tribute to her dedication and commitment to the children of Zia Elementary and the future of our community.

Please join me in thanking Deborah A. Sloan for contributions she is making to Albuquerque, New Mexico.

TRIBUTE TO ROBERT H. ROSENTHAL

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. MILLER of Florida. Mr. Speaker, today, I respectfully pay tribute to a good friend and a wonderful constituent, Mr. Robert H. Rosenthal. He is an accomplished builder, humanitarian, and long time friend and leader of the American Jewish Committee. On February 10, 2000, the American Jewish Committee's West Coast Florida Chapter will honor Mr. Rosenthal with its 2000 Institute of Human Relations Award.

Bob is a generous philanthropist, stalwart advocate of Israel, and a champion of disadvantaged children. For two decades, the American Jewish Committee has been a focus of Bob's wide-ranging efforts in public affairs, serving in a variety of positions, including President of the West Coast Florida Chapter for three years.

Born and raised in Chicago, Illinois, Bob founded the R.H. Roberts Construction Company in 1952, serving as CEO and President until his retirement in 1980. Throughout the years, his company won awards for architectural excellence and he earned a reputation for promoting engaged corporate citizenship.

With his extraordinary talent for leadership and his great magnanimity, Bob has furthered the cause of all humanity. It is indeed a pleasure for the American Jewish Committee to applaud the civic concern and social vision of Robert H. Rosenthal, and, I honor him today as a friend and leader, and praise his contributions on behalf of the 13th Congressional District of Florida.

POTOMAC HERITAGE NATIONAL SCENIC TRAIL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. HOYER. Mr. Speaker, I rise to mark the occasion of the Third Annual Caucus for the Potomac Heritage National Scenic Trail to be held October 22 at Oxon Hill Manor, in my District.

Since Congress designated the Potomac River corridor as a National Scenic Trail in

legislation enacted in 1983, grassroots organizations have joined forces with federal, state and local government agencies to identify new opportunities to provide for public enjoyment of a trail that follows ''Our Nation's River.'' Protection of our river—which is part of the Chesapeake Bay watershed—and its historic sites and natural areas must be a top priority for our region in the years ahead.

The National Park Service requires sufficient tools to help facilitate public involvement with this National Scenic Trail, which is why I support full funding of this effort under the Service's budget.

I congratulate the community of grassroots supporters of the Potomac Heritage Trail including the Potomac Heritage Partnership, Prince George's County government, the Accokeek Foundation and many other local groups and individuals. They are leading the regional effort to encourage conservation, historic preservation and sustainable commerce along the Potomac River corridor. They deserve our full support for their efforts.

SALUTING PATIENT APPRECIATION DAY

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Ms. STABENOW. Mr. Speaker, I rise today to honor our nation's doctors and patients. The Genesee County Medical Society has proclaimed today, and the third Tuesday of every October thereafter, as ''Patient Appreciation Day.'' At events around Genesee County, doctors are expressing their gratitude to their patients and are recognizing the great benefits of the doctor/patient relationship. I commend their efforts to reach out to patients and share their gratitude.

At a time when the news is filled with negative stories about managed care, I believe Patient Appreciation Day is a positive way to recognize all the good things that are happening in our nation's health care system. Patient Appreciation Day is a time to mark the important role that patients play in making our nation's health care system the best in the world. It is a day when doctors take an extra moment with their patients to express their gratitude and celebrate the opportunities they are given to provide their life-giving services.

It is my greatest hope that the Genesee County Medical Society has started a nationwide trend and that doctors across the country join in celebrating ''Patient Appreciation Day'' in the future. the Genesee County Medical Society should be applauded for their positive efforts toward improving the lives of the patients they serve.

HONORING DR. RICHARD BERTKEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Dr. Richard Bertken, a native of the San Joaquin Valley. Dr. Bertken returned to Fresno after completing his studies at USC, UCLA, The George Washington University, and Stanford University. He was one of the first medical practitioners with the University of California San Francisco Medical School, Fresno. Dr. Bertken has officially retired from his government position with Veterans Administration Medical Center, but will continue to see patients as a consultant.

Dr. Bertken achieved state of the art therapeutic modalities. Many patients with Rheumatological and Immunological problems awaited his expertise. In a short time, his patients graduated from wheel chairs to crutches, to full ambulation; for many, a return to full employment and to all, an improved quality of life.

Dr. Bertken considered the needs of the whole person, displaying genuine concern. He is dedicated not to just lessen pain but to eliminate it and prevent disability. Dr. Bertken is a strong patient advocate, seeking access to the most recent approved medications and treatments for his patients.

With his enthusiasm and positive attitude, he empowers patients under his care to take an active participation in their treatment plan through education and self-management. His vision for patients living quality productive lives include not just our veteran population, but also those he treats at the University Medical Center where he practices with the UCSF program.

As a leader he has established a culture of integrity for both patients and staff, an accountable and truthful standard of practice in health care delivery.

Mr. Speaker, I want to commend Dr. Bertken for his service to the community and his patients. I urge my colleagues to join me in wishing Dr. Richard Bertken many more years of continued success.

HONORING REV. GUSTA BOOKER, JR.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. BENTSEN. Mr. Speaker, I rise to recognize Rev. Gusta Booker, Jr. for his 31 years of service at Greater St. Matthew Baptist Church of Houston.

For more than 3 decades, Reverend Booker has addressed the needs of the Greater St. Matthew Baptist Church's congregation. In celebration of the church's 31st Anniversary, the congregation held a ''Celebration of Love Service'' this month followed by ''A Love Fellowship Reception.'' The growth and success that Greater St. Matthew has experienced under Reverend Booker's leadership reveals a Pastor who is truly connected to his community.

Reverend Booker is the youngest of nine born to the late Reverend Gusta Booker, Sr. and the late Mrs. Gussie Booker in Columbus, Texas. Reverend Booker married Theola Massie in 1964, and they are the affectionate parents of three children, Ronald, Gusta III, and Alita Corine; two daughters-in-law, Valree Booker and Nicole Booker; two grandsons Ronald, Jr. and Joshua; and one granddaughter, Peyton Nicole.

Pastor Booker was called to the ministry in 1967, and later founded Greater St. Matthew ''Southest'' located at 7701 Jutland Street. In 1994 he founded Greater St. Matthew ''Southwest'' at 14919 South Main Street, giving rise to the congregation's concept ''One Church in Two Locations.'' In 1995, the Lindler-Booker Family Life Center was constructed.

Reverend Booker shares his insight and experiences with those who seek knowledge and guidance. He has published two books: After the Honeymoon and Living Beyond the Pain. His television and radio ministries can be seen and heard in Houston, Beaumont, and Austin.

While Reverend Booker's religious and spiritual obligations to his growing congregation have always been paramount, as a community leader, he has shared his faith and free time as Founder and First Moderator of the Gulf Coast Baptist Association, past President of Central State Convention of Texas, and past Chairman of the Christian Education Board of the National Baptist Convention of America.

Mr. Speaker, throughout his 31 years as Pastor at Greater St. Matthew, Reverend Booker's intelligence, enthusiasm, and integrity has served his congregations well. He brings tireless energy and compassion to each of his endeavors, whether it's as a Pastor, community leader, or friend. His contributions to the ministry and his energy in addressing the needs of his congregation and surrounding community are truly commendable.

MATTHEW NONNEMACHER HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a remarkable young boy from my District in Hazleton, Pennsylvania—Matthew Nonnemacher. Matthew is only eleven years old, but he will be a participant this Friday in the White House Conference on Philanthropy. While most boys and girls his age are more concerned with getting their homework done, Matthew has been helping his disadvantaged neighbors.

Last year, Matthew's fourth grade teacher at St. Joseph Memorial School, Terri Smith, gave her students an assignment to draw a picture of the one wish they would like to be granted if they were on top of the world. Matthew's picture depicted him giving money to poor people. Later, after having asked his parents what would be the best way to help the poor, Matthew wrote a letter to the editor of his local newspaper, the Hazleton Standard Speaker, with the same question. Matthew received numerous letters suggesting projects such as food drives, clothing collections, and a dime drive. Matthew changed the latter suggestion to a penny drive, because he thought it would be more fun, and set an ambitious goal of collecting one million pennies, or $10,000, a donate to the United Way of Greater Hazleton.

With the help of then-United Way of Greater Hazleton Executive Director James Settle,

Matthew's project was named ''A Million Ways to Care'' when it began in August of 1998. Matthew visited almost every civic organization in the city with a request for pennies and placed hundreds of two-quart collection jars throughout his community of 26,000 people. School students throughout the community also enthusiastically collected pennies for him. On October 22, 1998, the pennies were collected and loaded on a flatbed truck, paraded through town with a police and school bus escort, and taken to First Federal Bank, where an enthusiastic crew of bank employees and volunteer spent thirteen hours counting more than 5.5 tons of pennies. The final sum amounted to $18,196.91 or 1,819,691 pennies, which was promptly presented to the United Way of Greater Hazleton on last year's National ''Make a Difference Day.''

Mr. Speaker, Matthew Nonnemacher represents the best of Northeastern Pennsylvania. Matthew was once asked why he wanted to help the poor and his answer was plain: ''So the poor can have everything that we have—like food, clothes, and a place to stay.'' I am glad the White House has recognized Matthew's achievement by inviting him to the White House Conference on Philanthropy. Matthew's dedicated parents, John and Sandi, also deserve praise for their heroic efforts to guide and help their son.

I am pleased to have this opportunity to bring Matthew's achievements to the attention of my colleagues and wish Matthew the best in his future philanthropic efforts.

A VERY SPECIAL MEMORIAL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. FROST. Mr. Speaker, I recently had the opportunity to participate in an extraordinary event in my Congressional District. The Ex-Students Association of Blooming Grove High School in Blooming Grove, Texas, recently dedicated a World War II memorial listing the names of all area residents who had served in our armed forces in World War II.

What made this event so extraordinary is that the memorial contains the names of 324 men and women, and two German Shepherds. These 324 men and women served in the military from a town of less than 1,000 in population. I can't imagine that any community of comparable size anywhere in America contributed as many of its sons and daughters to the war effort between 1941 and 1945.

Of the 324 from this remarkable Navarro County community, a total of 15 lost their lives. Additionally, a tremendously high number of the soldiers, sailors, and airmen from Blooming Grove were officers, with 37 holding officer rank. One of these 37, Ray Morris, rose to the rank of Admiral.

Two dogs, ''Snitch'' Lane and ''Jack'' Garrison were pressed into duty as sentries. Bruce Lane, one of the driving forces behind the creation of the memorial, was only eight years old when his German Shepherd, ''Snitch,'' was drafted by the Army. Bruce remembers how the dog's handler wrote letters home on a regular basis, letting him know that ''Snitch'' was OK.

The memorial, which was dedicated on October 16th, consists of five pieces of Georgia gray granite inscribed with the names, rank, and branch of Blooming Grove residents who served during World War II.

Members of the committee that raised money to construct the monument included Jean Hinkle, Alice Bell, Bob Lane, Bruce Lane, Jack McGraw, Ralph and Reba Ferrell, Shelby Thedford, Brad Butler, and Earl Smith. The committee overseeing construction included Bob Lane, Dana Stub, Loyd and Mary Gowd, and Helen Farrish. The beautification committee for the memorial included Terry Golden, Jean Hinkle, Bruce Lane, Elaine Campbell, and Alyne McCormick. They are all to be commended for their efforts in erecting this memorial.

Every community that contributed to the war effort should have a memorial to those who served, but few towns are as deserving of a memorial as Blooming Grove. Communities like Blooming Grove won the war and helped save the world for democracy. It is highly appropriate that Blooming Grove residents' service has been recognized with a very special memorial.

PERSONAL EXPLANATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. JOHNSON of Texas. Mr. Speaker, on October 19, 1999, I inadvertently voted ''no'' on final passage of the Ticket to Work and Work Incentives Improvement Act (RC 513). This bill is very important because it will make it easier for the disabled to re-enter the workforce and be productive members of society. America is about freedom, and that includes the freedom to work and not be penalized because of a disability.

I strongly supported this bill when the Committee on Ways and Means approved it, and I hope the President signs the bill when it reaches his desk.

COMMENDING THE COLCHESTER LIONS CLUB FOR FIFTY YEARS OF SERVICE TO THE COMMUNITY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to commend members of Lions Club of Colchester, Connecticut for fifty years of service to their community.

The Club, formed on August 2, 1949, provides support to a wide array of activities in Colchester. It has a long-standing commitment to young people through its sponsorship of sports leagues and the creation and expansion of scholarship programs. Members of the Club work hard each and every year to provide vital support to local food banks. In addition, the Colchester Lions Club has been a leader nationwide in raising funds to eradicate preventable causes of blindness. In 1993, the Club was recognized by its national organization as one of forty ''model clubs'' in the country for its successful work in support of this effort.

The Lions Club might be most well-known in town for decorating and lighting a large Christmas tree on the town green. Some of the founding members of the Club planted this tree forty years ago and successive generations of members have tended it. Much like the tree, the Club has grown and flourished and become a central part of the community.

Mr. Speaker, it gives me great pleasure to congratulate the Colchester Lions Club on its Fiftieth Anniversary. I am confident that it will continue to play a vital role in Colchester for many years to come.

TRIBUTE TO CAPTAIN THOMAS G. OTTERBEIN, USN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. SKELTON. Mr. Speaker, I rise today to recognize and say farewell to an outstanding Naval Officer, Captain Thomas G. Otterbein, as he prepares to retire upon completion of 29 years of distinguished service. It is a privilege for me to honor his many outstanding achievements and commend him for his devotion to the Navy and our great Nation.

A native of Bad Axe, Michigan, Captain Otterbein is a graduate of the United States Naval Academy, Class of 1970. After receiving his commission, he completed flight training and was designated a Naval Aviator in 1973. His first operational tour was with Fighter Squadron 111 flying the F–4 Phantom II, where he made deployments to the Mediterranean Sea and Western Pacific Ocean aboard USS *Franklin D. Roosevelt* (CV–42) and USS *Kitty Hawk* (CV–63) respectively. Upon completion of F–14 Tomcat training, his next sea tour was with Fighter Squadron 51, where he made an around the world cruise aboard USS *Carl Vinson* (CVN–70). In recognition of his superior aeronautical skills and leadership abilities, Captain Otterbein was selected for F/A–18 Hornet training and subsequently became the Executive Officer of Fighter Squadrons 161 aboard USS *Midway* (CV–41). Following that tour, he was the Executive Officer of Fighter Squadron 195 and had command of that squadron for eighteen months.

Captain Otterbein successfully completed Nuclear Power Training and was soon back in the fleet, serving as Executive Officer of USS *Theodore Roosevelt* (CVN–71). He subsequently assumed command of USS *Nashville* (LPD–13) and led the ship through Operations Support/Uphold Democracy in Haiti, earning the Armed Forces Expeditionary Medal and Battle Efficiency ''E'' Award. The crowning achievement of his career came when he reported as Commanding Officer, USS *Harry S Truman* (CVN–75), leading the crew of our newest aircraft carrier through her sea trials and initial training operations.

Captain Otterbein completed shore assignments at Air Test and Evaluation Squadron 4, where he was the Operations Officer and Operational Test Director, and as the Executive Officer and acting Commanding Officer of the Navy Fighter Weapons School (Top Gun). He has also had tours on the staff of Commander, Naval Air Force, U.S. Atlantic Fleet as the Safety Officer and as the senior aviation representative on the Chief of Naval Operations' Strategic Studies Group.

Captain Otterbein has been a dynamic and truly outstanding Naval Officer who has been a great mentor and a charismatic leader. He is a passionate advocate of the Sea Services and has devoted himself to caring for our Sailors in the Fleet and their families. His contributions and accomplishments will have long term benefits for both the Navy and the country he so proudly honors with his uniform. As Captain Otterbein prepares for quieter times with his wife Catherine Mary, I am certain that my colleagues will join me in thanking him for his many years of Naval service.

HONORING JAMES BOLAND OF WEST HAVEN AND ALL OTHER ALL-AMERICORPS AWARD WINNERS ON THE FIFTH ANNIVERSARY OF AMERICORPS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Ms. DELAURO. Mr. Speaker, I rise today to recognize a special anniversary for this country. Five years ago, President Clinton and a bipartisan majority in Congress created the AmeriCorps program. Since then, more than 150,000 men and women have devoted 1 or 2 years of their lives to getting things done for America—making our people safer, and healthier.

AmeriCorps is a bold and innovative approach to building the American community through national service. In exchange for their service, AmeriCorps members receive expanded educational opportunities. In the end, Mr. Speaker, it is our nation that wins.

America has benefited from this service in a wide variety of ways. AmeriCorps members have helped to build or refurbish 11,000 homes for low-income people. They are tutoring children in some of our toughest neighborhoods—more than 2 million at-risk kids have benefited from these efforts. They have contributed to the unprecedented decline in crime rates nationwide by working with law enforcement to establish 40,000 safety patrols. And AmeriCorps members in the National Civilian Community Corps (NCCC) have gone to the sites of some or our Nation's worst natural disasters to provide assistance. There is an NCCC team on the ground today in North Carolina helping the victims of Hurricane Floyd.

As part of the AmeriCorps' fifth anniversary celebrating, 21 exceptional AmeriCorps members have been selected to receive the first annual All-AmeriCorps awards to honor exemplary community service. Awards were made in the following categories: Getting Things Done; Strengthening Communities; Common Ground; and Leadership.

One of the Getting Things Done award recipients is from West Haven, CT, in my district. His name is James Boland. Ten years ago, James was a homeless Vietnam veteran. Today, he is getting things done as a AmeriCorps member at the Veterans Administration's Connecticut Community Care Center—the very facility that took him in off the streets and saved his life 10 years ago.

The Community Care Center, or CCC for short, provides veterans struggling with mental illness, substance abuse, or homelessness with a continuation of community-based rehabilitation services. James is an important part of that care. He developed and oversees the CCC's mentoring and buddy programs, and he established and leads the monthly family dinners. He also conducts skills building group sessions for veterans in the CCC's day program. On top of all that, James works 20 hours a week as the property manager for four houses for homeless and mentally ill veterans—he is also the resident manager of one of the homes.

The CCC changed James's life. He has gone from living on the streets to being close to finishing his bachelor's degree from Charter Oak State College. AmeriCorps will make it possible for him to continue this path of success. He plans to use his education award to go to graduate school.

Mr. Speaker, James Boland is proof positive of the value and success of the AmeriCorps program, not only for the opportunities it has given James, but for the care and compassion James has given to homeless vets. His is not an isolated story. Twenty other AmeriCorps members are being honored today. Let me briefly describe them and the categories of their awards:

GETTING THINGS DONE

Christine Packer was an AmeriCorps VISTA member and VISTA leader in Idaho. She helped start a statewide immunization effort that successfully boosted Idaho's immunization rate for 2-year-olds from 50 percent to more than 70 percent.

The highlight of Traci Chevraux's AmeriCorps service in Colorado was the creation of Smoke Free Sheridan. Traci brought together the local school district, school-based clinics, higher education institutions, faith based groups, the health department, community-based organizations, physicians and local residents to develop a program that would prevent and reduce the prevalence of smoking among school-aged children and their families in the town of Sheridan.

Lin Min Kong is an attorney who worked in South Central Los Angeles with low-income Thai immigrants and helped them turn a rundown old hotel into affordable housing with community space for social services, afterschool programs, and computer skills development classes for children and families.

Toni Sage organized a tutoring and mentoring program at Parkview Elementary School in Salt Lake City. Alarmed by drug activity that was taking place two blocks away from the school, Toni worked together with her students, students from the University of Utah, and local community organizations, to turn the area into an urban green space.

STRENGTHENING COMMUNITIES

Jack Bridges did his AmeriCorps service in Americus, GA, his hometown. He built houses for low-income people for Habitat for Humanity and started a reading and tutoring program for the Habitat homeowners' children.

Scott Finn spent 2 years as an AmeriCorps member in Big Ugly Creek, WV. In his first year, he worked with community residents to turn an abandoned school into a community center, and in his second year, Scott helped start APPALREAD, a childhood literacy program. During APPALREAD's first year, 82 percent of the children served improved their reading scores.

Tera Oglesby served with the Seattle Police Department's Crime Survivor Services Unit. Together with another AmeriCorps member, Tera developed the first Victim Support Team for the Seattle Police Department.

Anna Severens served as an AmeriCorps member with the classroom-on-wheels, a free mobile pre-school program operating out of a converted school bus. Her work in raising money for the program and expanding client referrals resulted in doubling the capacity of the program.

Byrnadett Frerker has done 2 years of AmeriCorps service. She spent her first year establishing Literacy Avengers, a computer literacy program for middle school students. The students than taught computer skills to their parents. She spent her second year fighting fires and doing hurricane relief work as part of the St. Louis Safety Corps.

COMMON GROUND

Christy Hicks established and supervised a conflict resolution program for middle school students in Pontiac, Michigan training students as peer mediators. She then worked to expand the program to elementary school students.

Mark Payne is an AmeriCorps member who served in his hometown on the south side of Chicago with City Year and Public allies. Mark helped develop a mentoring program that recruited young African-American males as volunteers and role models for youth in the community.

During Jamie Lee Manning's 2 years with AmeriCorps, she distinguished herself as a leader and team builder who organized a 3-day service project to honor and celebrate Dr. Martin Luther King. The project involved parents and children from the diverse San Jose, CA community.

Trampas Stucker was a high school athlete who was paralyzed in a motorcycle accident. That did not stop him from graduating with his class the following year and joining AmeriCorps as a reading and math tutor for economically disadvantaged kids in his hometown of Tonasket, Washington. He also worked with ''The New Kids on the Block,'' a traveling puppet show that taught kids about accemptance and celebration of diversity in race, gender, cultures, and physical disabilities.

During her first term of AmeriCorps service, Graciela Noriega and a diverse team of AmeriCorps members were assigned to do parks and recreation activities with young people in Orlando, FL. When the community did not accept the group at first, Graciela created

"Culture Shock," a program that brought a diverse group of guest speakers to the community to participate in activities with local youth, sharing their culture through food, music, dance, arts, crafts, and dialog.

LEADERSHIP

Kyoko Henson joined AmeriCorps as a way to give back to the Pittsburgh, PA, community for the support it gave her as a single mother who escaped an abusive relationship. During her AmeriCorps service, Kyoko organized outreach projects to address community health needs, spearheaded clothing drives, served as a reading tutor and educator about community services and created a summer youth program.

Kelton Young did his AmeriCorps service in Fort Worth, TX, as a TRUCE specialist, working with young people in gangs, or who were at risk of joining gangs, to make positive decisions about their lives. Kelton helped to develop 18 TRUCE sites, each serving more than 200 participants.

Mason Jenkins was an AmeriCorps member and team leader for YouthBuild in New Bedford, MA. In addition to his work with YouthBuild, Mason joined the steering committee of a group formed to address teen pregnancy. He also helped establish Young People United, a youth group that successfully put on a citywide conference called "The City is Mine", to bring young people together to discuss the issues that are most important to them.

Maria del Mar Bosch did her AmeriCorps service in Puerto Rico, where she helped to set up training opportunities for America Reads tutors working with Head Start students and after-school programs for children in poverty.

Jason Lapeituu wanted to provide a safe and stable place for young people to feel accepted and to develop their hopes, dreams and goals for the future. As an AmeriCorps member, he made that happen in Pine Island, MN. He knew that in order for young people to be comfortable in the youth center of his dreams, they had to be a part of creating it. Working with local youth, Jason found a site, planned community events that raised start up funds and helped to renovate a laundromat into the Pine Island Union of Youth, Inc.

From the age of 15, Arthur White lived on his own, having grown up in poverty in an abusive home. After high school, he joined AmeriCorps and began serving with an environmental education program working with elementary aged students. With a dream of one day running his own environmental education center, Arthur was instrumental in the reactivation of the Nature Center at Bear Brook State Park in New Hampshire to provide park visitors with an opportunity to learn about the park environment.

Mr. Speaker, I know my colleagues in the House join me in honoring the contributions of these terrific people and the benefits AmeriCorps service has had for the country.

HONORING ROBERT GILLETTE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Robert Gillette for his outstanding contribution to the community and his twelve years of public service as Commissioner of the Port of Houston Authority, an organization representing 26 cities in Harris County.

Mr. Gillette retired this year, but his contributions to Harris County and the Port of Houston Authority will surely endure. From the day he was sworn in as a Commissioner of the Port of Houston, Mr. Gillette pledged to join his fellow commissioners in making the Port more competitive in difficult times for the maritime industry. Truly a man of his word, Mr. Gillette made good on that promise. For 6 terms without pay, he faithfully conducted his duties awarding contracts, acquiring property, setting port tariffs and directing operations with a keen eye toward keeping the Port of Houston viable and thriving.

It was under Mr. Gillette's tenure as Commissioner that the project to deepen and widen the Houston Ship Channel was undertaken. Marking the largest expansion of the Ship Channel in decades, Mr. Gillette and his fellow commissioners were able to bring together the environmental and business communities to get the job done.

Mr. Gillette graduated cum laude from the South Texas School of Law in 1941. He also served his country as an Army Air Corps aviation cadet. Before establishing a law practice, Gillette was assigned to the Judge Advocate Section at Kelly Field in San Antonio, Texas.

He left the service in 1946 as a first lieutenant and moved to Baytown to begin law practice with Reid, Strickland and Gillette. It was a partnership that spanned 41 years, with Mr. Gillette serving as managing partner for 30 years.

In addition to his law practice, he was president of Bay Title Company and a director of Citizens Bank and Trust Company of Baytown for 25 years. Robert Gillette's professional affiliations include the Texas State Bar Association; Houston Bar Association; Baytown Bar Association and the Texas Bar Foundation.

As a testament to the expertise that Mr. Gillette brought to bear in both his business and public dealings, in the late 1980s, U.S. Attorney General Edwin Meese appointed Gillette to the People to People Citizens Ambassador Program.

Mr. Gillette also has an extensive record of community involvement. He was a member of the Board of Managers of City-County Hospital and has served as board member and president of the Baytown Area Water Authority since 1973. He and his wife, Suzzane, have three grown children.

Mr. Speaker, I congratulate my friend on his retirement and commend him on a job well done. As Port Commissioner, knowing that the fortunes of the Port influences the total employment picture of Harris County, Bob Gillette always strove to keep the Port a first-rate facility. We owe him a debt of gratitude for the work he has done addressing the concerns of our Port community, and thus the needs of all of Harris County.

CONGRATULATING PASCACK VALLEY HOSPITAL ON ITS 40TH ANNIVERSARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Pascack Valley Hospital on the 40th anniversary of its founding. Located in Westwood, Pascack Valley is one of the finest medical institutions in the State of New Jersey. Its story is one of a local community in desperate need of a hospital ready accessible to everyone and the people who worked through two wars and nearly two decades to achieve that goal.

Pascack Valley Hospital had its beginnings in May 1941 when Westwood resident Louise Bohlin was shocked that a Hillsdale friend died after waiting three weeks for admission to the nearest existing Bergen County hospital because of a shortage of beds. Mrs. Bohlin vowed that the Pascack Valley would have a hospital of its own and organized local physicians, mayors and concerned citizens into the Pascack Valley Hospital Association. The association held its first meeting November 27, 1941. Unfortunately, that meeting came only 10 days before the bombing of Pearl Harbor, and plans for a hospital were put on hold for the duration of World War II.

The end of World War II brought an influx of returning veterans and expanding families, and intensified interest in the need for a community hospital. The Pascack Valley Hospital Association was reorganized in 1946 but the Korean War intervened it was not until June 1 1959—18 years after the idea was born—that the single-story, 86-bed hospital opened its doors and welcomed its first patients. The hospital has grown tremendously since then. Today, it is a full-service, 291-bed hospital providing a wide range of the most advanced, technically sophisticated health care services available anywhere. The PVH medical team consists of nearly 450 physicians, 1,000 nurses and other health professionals and 1,000 dedicated volunteers. Pascack Valley Hospital serves 16,000 inpatients and 70,000 outpatients a year, yet maintains its strong dedication to personalized care—making each individual feel he or she is the most important patient in the hospital.

As part of Well Care Group Inc., Pascack Valley Hospital itself is supplemented by an outpatient dialysis center, a community health care center, a hospice, a preventative medicine institute, a reproductive assistance center, a psychiatric institute and an MRI facility, among other services. In addition, it is affiliated with Westchester Medical Center, Hackensack University Medical Center and New York Medical College, further enhancing the expertise and facilities available to benefit PVH patients.

I would like to take this occasion to enlist the Congress in giving special thanks and recognition to some of the extraordinary individuals who will be honored at the hospital's 40th

anniversary celebration this weekend. Perhaps most prominent is philanthropist Lillian Booth, whose generosity has helped fund an oncology center and a dialysis center bearing her name—along with two ambulances and a specialized ultrasound scanner—during her 20-year involvement with the hospital. In addition, Bernice Alexander, widow of the late Dr. Stewart Alexander, one of PVH's best-known physicians, will be honored for her many contributions. Mrs. Alexander served as a lieutenant colonel and director of nursing in the Mediterranean Theater during World War II and was decorated for her wartime work in epidemiology. President of the Women's National Republican Club in the 1950s, she was a prime organizer of Project Hope, raising funds for medical supplies for crippled nations after the war. Also being honored is Richard Galgano, whose position as hospital janitor might make him seem an unlikely honoree. Mr. Galgano, however, is the only employee of the hospital who has been with PVH throughout its entire 40-year history. His long employment is a testimony to loyalty and he is well known to generations of patients, doctors, nurses and staff.

Also being honored are six physicians affiliated with PVH from the beginning and still on the active staff: Dr. Joan Barrett, Robert Boyer, Frank Ferraro, Theodore Goldberg, Anthony Salerno and Arnold Sobel.

Recognition must also go to all board members and PVH President Louis Ycre, whose extraordinary leadership skills and compassionate concern for the well being of the patients set the standard for the entire staff.

A local hospital is one of the most basic protections for health and safety a community can be expected to offer, as vital as police and fire departments, clean drinking water, good roads and good schools. Those of us who remember what life was like for the injured or ill before Pascack Valley Hospital was founded don't have to imagine what life would be like without it. Pascack Valley Hospital has made a tremendous difference in our community.

I ask my colleagues in the House of Representatives to join me in expressing our appreciation for the work done by all associated with Pascack Valley Hospital and wishing them many years of continued success.

CONGRATULATING HENRY ''HANK'' AARON ON 25TH ANNIVERSARY OF BREAKING MAJOR LEAGUE BASEBALL HOME RUN RECORD AND RECOGNIZING HIM AS ONE OF THE GREATEST BASEBALL PLAYERS OF ALL TIME

SPEECH OF

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 19, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to honor one of the greatest baseball players in history—Henry ''Hank'' Aaron. During his major league career—a career which spanned nearly a quarter century—Hank Aaron broke more batting records than any other player in Major League baseball.

Twenty-five years ago, on April 8, 1974, Hank Aaron hit his 715th home run—breaking the Major League Record for career home runs held previously by Babe Ruth. Hank Aaron still holds a place in the heart of every baseball fan. Along with Ruth, Willie Mays, and Ted Williams, Aaron was recently elected by the fans to the MasterCard All-Century Team.

But Hank Aaron was more than just batting titles, All-Star games and home run records. He was an important part of my childhood, and the childhood of anyone growing up in Milwaukee in the 1950's. I remember going to Milwaukee County Stadium to watch the great Milwaukee Braves teams of the 1950s. The Stadium was always packed—even though Milwaukee was the second smallest city in the Major Leagues, the Milwaukee Braves were the first National League team to draw two million fans in a season.

Hank Aaron was the reason so many people came to watch the Braves. He began his career with Milwaukee in 1952, when a scout recruited him for a Braves farm team. Two years later, Aaron made his first major league appearance. He went on to spend 13 years with the Milwaukee Braves, hitting a total of 398 home runs and leading the Braves to two league pennants and a World Series victory in 1957. On September 20, 1965, Aaron became the last Milwaukee player to hit a home run in Milwaukee County Stadium.

Nearly a decade later, after a brilliant career in Atlanta, Aaron returned to Milwaukee—this time for the Milwaukee Brewers. He ended his career there, retiring in 1976.

Hank Aaron is an integral part of the history of baseball and the history of Milwaukee. I am pleased to join my colleagues in honoring Hammerin' Hank Aaron.

TRIBUTE TO THE CHAPIN HIGH SCHOOL NAVAL JUNIOR RESERVE OFFICER TRAINING CORPS UNIT

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. SPENCE. Mr. Speaker, I rise today to bring to the attention of the House that the Naval Junior Reserve Officer Training Corps (NJROTC) Unit at Chapin High School, in Chapin, South Carolina, has been selected as the ''Most Outstanding NJROTC Unit in the Nation'' by the Navy League of the United States. Recently, I had the great pleasure to present the Navy League Trophy to Chapin High School NJROTC Unit Commanding Officer David James Riser at a ceremony at the Chapin High School Stadium. This recognition was well received by those in attendance, and it was an obvious source of pride for the entire student body, as well as the faculty and the parents of the cadets.

The Chapin High School NJROTC Unit is composed of a dynamic group of cadets that should serve as a model for others to follow across our Nation. This Unit has a diverse cadet population that includes: a class president, a homecoming queen, Eagle Scouts, the leader of the State Championship SAT Team, the editor of the school newspaper, the captain of the football team, the captain of the soccer team, the captain of the cross country track team, All-State Athletes, 46 varsity athletes, 16 school band members, cheerleaders, and other dedicated students. The NJROTC Unit was established at Chapin High School in 1996, with 42 cadets. From the start, this Unit excelled, being named the ''Best New Unit'' by the Area Commander for its first year. Three years later, the Unit has grown to include 16 percent of the school enrollment, with a waiting list of 35 students.

The Chapin High School NJROTC Unit is led by two experienced Naval Science Instructors, Colonel Richard C. Slack and Senior Chief Petty Officer Charles W. Cook. Colonel Slack has had a distinguished career in the United States Marine Corps. Upon graduation from East Tennessee State University in 1967, he was commissioned as a Second Lieutenant. In 1969, then-First Lieutenant Slack was designated as a Naval Aviator and he served in Southeast Asia for thirteen months. He progressed through the officer ranks for more than twenty years, also earning a Master of Business Administration degree from Webster University, in Saint Louis, Missouri, and a Master of International Strategy and Policy degree from the Naval War College, in Providence, Rhode Island. Colonel Slack served as the Chief of Staff for the Assistant Secretary of the Navy (Manpower and Reserve Affairs) from 1989–1991, and he retired in 1996, as the Commanding Officer and Professor of Naval Science for the Naval Reserve Officer Training Corps Unit at The University of South Carolina.

Senior Chief Petty Officer Charles W. Cook is the Associate Naval Science Instructor at Chapin High School. A native of Irmo, South Carolina, Senior Chief Cook attended Benedict College, The University of South Carolina, and DePaul University. He completed twenty years of active duty in the United States Navy, with eight years of regular duty and twelve years of recruiting duty. Among the honors that have been received by Senior Chief Cook during his Naval career are the ''Sailor of the Year Award,'' the ''National Recruiter of the Year Award,'' the ''Recruiter-in-Charge of the Year Award,'' and the ''Zone Supervisor of the Year Award.''

The Commanding Officer of the Chapin High School NJROTC Unit is David James Riser, who is the son of Mr. and Mrs. David Wayne Riser, of Chapin. David Riser is an outstanding young man who has excelled in many areas as a student. He is the recipient of the ''First Place Chapin NJROTC Academic Award,'' the ''Certificate of Honorable (Cum Laude) Mention on the National Latin Examination,'' and the ''Lieutenant Governor's Award for Excellence in Composition,'' among other awards. He also is a South Carolina Junior Scholar and he has been named to Who's Who Among American High School Students. Prior to his position as Commanding Officer, Cadet Riser served as the Supply Officer, and, then, as the Operations Officer of his NJROTC Unit.

Mr. Speaker, I was an NROTC Midshipman at The University of South Carolina, and that experience provided the foundation upon

which I have built my career in public service. As the Chairman of the House Armed Services Committee, I am a strong supporter of the JROTC and the ROTC Programs. The fine cadets at Chapin High School are excellent examples of what the JROTC Program stands for. I am very proud of what this outstanding group of high school students has accomplished. Since being established in 1996, the NJROTC Unit at Chapin High School has doubled in size, and 51 percent of the Freshman Class have enrolled in the NJROTC Unit for the 1999/2000 academic year. The Chapin High School NJROTC cadets have worked tirelessly to prove that they exemplify excellence, and I would like to offer my congratulations to them for being named the most outstanding NJROTC Unit in the Nation for 1999 by the Navy League of the United States.

TRIBUTE TO BILL GARRETT

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. ISAKSON. Mr. Speaker, in 1990 during my race for Governor of Georgia I had the privilege to meet and get to know Heath Garrett, then a student at the University of Georgia. In the years since, Heath became my campaign manager, my Chief of Staff, and always my friend.

As our friendship grew, I came to know Heath's father, Bill. On the evening of October sixteenth, Bill Garrett passed away, the victim of a heart attack and a lifetime battle with diabetes. I rise today, to pay tribute to the life of Bill Garrett.

During the past year, Bill volunteered in my Congressional District Office 4 hours a day answering the phone and greeting constituents. He always answered the phone the same way, ''Johnny Isakson's office, Bill Garrett how may I help you.'' Bill Garrett's voice was always pleasant, and his ''how may I help you'' assured the caller he really wanted to help.

As I came to know Bill, I learned of his battle with diabetes. For over 50 years Bill dealt with the daily blood sugar test, the rigid and limiting diet, and the inevitable complication of the disease that strikes thousands of Americans every year. Like so many Americans with diabetes, Bill Garrett did not complain and led a productive life.

As we pause to pay tribute to Bill Garrett, each of us in Congress should renew our effort to commit the funds for the research to find a cure for diabetes. There are thousands of Americans like Bill Garrett, and many in every Congressional district in this country. Let us work together to make tributes like this less frequent, and the occurrence of diabetes less frequent in America. Let us do it for Bill Garrett.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. MCINNIS. Mr. Speaker, it is with an overwhelming sense of pride that I now rise to pay tribute to a truly historic event in the proud and distinguished history of the great State of Colorado: the establishment of the Black Canyon of the Gunnison National Park.

As the House sponsor of legislation that redesignated the Black Canyon as a national park, it gives me great joy to describe for this esteemed body's record the beauty of this truly majestic place. In addition, I would like to offer my gratitude to a community of individuals instrumental in the long process that ultimately yielded the establishment of the Black Canyon of the Gunnison National Park.

Mr. Speaker, anyone who has visited the Black Canyon can attest to its awe-inspiring natural beauty. Named for the dark rock that makes up its sheer walls, the Black Canyon is largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

If ever there was a place worthy of the prestigious status that only national park status can afford, Mr. Speaker, it is the Black Canyon. But as you know, national parks don't just happen. In this case, it took nearly 15 years, several Congressional Representatives and Senators, innumerable locally elected officials, and a virtual sea of committed citizens in western Colorado.

Included in this group are the good people of Delta, Colorado. During this long and at times difficult process, Delta's civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without Delta's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Delta who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

A TRIBUTE TO GEORGE P. MITCHELL

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. LAMPSON. Mr. Speaker, I rise today in honor of a man who is not only a great Galvestonian, but a great American, Mr. George P. Mitchell. On Friday, the City of Galveston will pay tribute to George for his service to the community by naming a street after him. Business took George away from the 9th District, but be came back to make it a better place to live.

George Mitchell was born in the Ninth Congressional District, the area of Texas that I have the privilege to represent. Following his graduation from Texas A&M University and his service during World War II, he went to work for a newly formed wildcatting company. In 1959 he was appointed president and guided the progression of the company to its current status as one of the most extensive independent gas and oil producers in the nation and one of the largest real estate developers in the Houston-Galveston region.

A man of great vision, George developed a real estate project in the 1960's on a scale never seen in the flourishing Houston area. He created The Woodlands, a 25,000-acre planned community located 27 miles north of downtown Houston. Today, more than 40,000 people reside in The Woodlands and are living George Mitchell's dream.

George has made the bulk of his substantial contributions to the Galveston community and the people who live there. He believes in Galveston and its residents, and has unfalteringly placed his time and energy into its progression. As I thank George for his contributions, I also must recognize his wife, Cynthia Mitchell, who was by his side lending strong support and partnership throughout his career.

Mr. Speaker, it is my honor to speak on behalf of Mr. George Mitchell and all of his accomplishments. He is a man that I look to for inspiration as I continue to work for the communities and neighborhoods of Texas. When I drive down ''Mitchell Avenue'' it will be with great pleasure, as it recognizes a man who has committed his life not to himself, but to others.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON AND THOSE WHO MADE IT POSSIBLE

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largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

If ever there was a place worthy of the prestigious status that only national park status can afford, Mr. Speaker, it is the Black Canyon. But as you know, national parks don't just happen. In this case, it took nearly 15 years, several Congressional Representatives and Senators, innumerable locally elected officials, and a virtual sea of committed citizens in western Colorado.

Included in this group are the good people of Montrose, Colorado. During this long and at times difficult process, Montrose's civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without Montrose's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Montrose who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

CONGRATULATING THE BOSTON DEMONS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. CAPUANO. Mr. Speaker, I submit the following article which appeared in the Melbourne Age on October 20, 1999 for the record and to offer my congratulations to the Boston Demons for their outstanding efforts in winning the 1999 U.S. Australian Rules National Championship.

[From the Melbourne Age, Oct. 20, 1999]

BOSTON DEMONS 1999 U.S. NATIONAL CHAMPIONS

CINCINNATI, OHIO (17 October 1999). The Boston Demons Australian Rules Football team today won the 1999 U.S. Australian Rules National Championship by narrowly defeating the Santa Cruz Roos in overtime.

The national championship was host by the Cincinnati Dockers, and consisted of 22 teams from around the country, representing cities such as Nashville, New York, Seattle, Chicago, Denver and San Diego.

The Boston Demons were the defending U.S. National Champions. The national championship, called the Grand Final, was, by some accounts, the most intense game of Australian Rules football ever played in the U.S., with neither side giving any quarter. Santa Cruz played with dedicated intensity, while the Boston Demons yielded nothing. At the end of regular time of two 20-minute halves, the game was drawn at 20 points each. Two five-minute periods of extra time were added, in which Boston kicked a quick goal. The second extra time period saw a battle of ferocious intensity where the game's outcome was held in the balance. So intense was the last five-minute period that two Santa Cruz players were carried off injured. Neither side backed down. The final score was Boston Demons 4 goals 2 behinds, for a total of 26 points, to Santa Cruz 3 goals 2 behinds for a total of 20 points.

The Boston Demons is composed of expatiate Australians, Americans, Irish, and a Dane. Based in Boston, MA, the Boston Demons have recently had a large amount of media exposure in both the U.S. and Australia because the team highlights the loss of Australian intellectual capital to the U.S. (see: http://www.theage.com.au/daily/991002/news/specials/news28.html).

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON AND THOSE WHO MADE IT POSSIBLE

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OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

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Included in this group are the good people of Gunnison, Colorado. During this long and at times difficult process, Gunnison's civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill. Without Gunnison's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Gunnison who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

MEN AND WOMEN OF HONOR

HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mrs. CHENOWETH-HAGE. Mr. Speaker, all of us were alarmed when it was recently reported that American soldiers fired upon civilian refugees during the Korean War. However, what was not reported were the numerous acts of compassion that our fine fighting men and women performed during the Korean War.

One such Marine is Ron Rankin, a Kootenai County Commissioner from Coeur d'Alene, Idaho. Mr. Rankin wrote a powerful guest column regarding his personal experiences as a young Marine during the Korean War in the October 18, 1999 edition of the Spokesman-Review. In this column he details many selfless actions such as Marines giving their own rations to starving Korean families, as well as a rifle company assisting in the birth of a North Korean baby. I ask unanimous consent that his statement appear in the appropriate place in the RECORD. Furthermore, I urge all my colleagues to read Mr. Rankin's entire column to see that the majority of the fighting men and women who served in Korea did so with honor.

[From the Spokesman-Review, Oct. 18, 1999]

SINS OF FEW NEED NOT OVERSHADOW TROOPS' ACHIEVEMENTS

(By Ron Rankin)

I felt sick, physically and emotionally, as I read the report. The Forgotten War was finally to be remembered. But of what? For the allegation that an Army company had fired on civilian refugees early in the Korean War.

America was unprepared when the Korean War broke out. We had recklessly downscaled our military since the end of World War II, which may account for the lack of discipline of troops involved in the No Gun Ri incident. Unfortunately, that incident could stain the reputation of many valiant young men who did serve with honor.

A headline that would more accurately reflect the character of our American troops should read, ''Tired, over-extended, battle-hardened Marines share rations with refugees.''

The Marine Corps has the reputation of having highly-trained, highly-disciplined and highly-efficient combat soldiers. Not generally recognized is that, behind all the bravado, they are real people with real emotions.

The Marine Corps Reserve unit I served with, from the historic landing at Inchon to the epic Battle of the Chosin Reservoir, were young husbands and fathers. Many like me had served a ''hitch'' in their teens, had been trained and tried and knew what to expect. We had a desire to get the job done and go home to our families.

During the outfitting, processing and shipping out we were all given a package from the Red Cross which included a pocket-size Bible.

This Bible fit the breast pocket of GI dungarees. It had ''bullet proof'' steel covers front and back. On the front was an American flag. The Lord's Prayer was inscribed on the back. I had a picture of my beautiful wife and seven month old daughter on the inside cover. Every time you took your Bible out, you saw the tiny American flag which reminded you why you were there. The Lord's Prayer gave you the strength to be there. The family picture kept you human under inhumane conditions.

On the 78-mile breakout fight to the sea from the Chosin Reservoir, in 30-below-zero weather, I witnessed acts of unselfish personal sacrifice that are still fresh in my mind after almost 50 years.

Along a torturous mountain road, ragged, and near-starving refugees followed along with the troops and trucks. Over and over, I saw battle-hardened Marines pull out cans of rations carried in their underwear to prevent them from freezing, and hand their food to the freezing families.

The most moving example of wartime compassion I witnessed was when a man and wife with two small children stopped on the road so the mother could give birth. Without hesitation, several Marines from a rifle squad stopped to help. One unrolled his sleeping bag, pulled out the wool blanket liner and tore it in half to make swaddling wraps for a brand new North Korean infant on the road to freedom.

On reaching the sea at the Port of Hamhung, a mass exodus of troops began.

Along with our troops, nearly 100,000 refugees came into this port fleeing the Communism of the north; voting with their feet for freedom. The American Navy could not ignore such desperation and determination. A humanitarian flotilla was assembled consisting of every type of ship that could be brought in before the port was leveled on Christmas Eve 1950. All refugees were rescued.

Conditions were horrible for many thousands of them freezing on the decks of ships at sea. Many of the American troops were on decks too, but far better equipped for the cold than the rag-tag refugees.

The contrast between the American troops and refugees is still indelible in my mind. We were born and raised in a free republic having experienced all the benefits of freedom. We were anxious to return to our homes, families and freedoms. The North Korean refugees were born and raised in a Communist dictatorship, experiencing only repression and tyranny. They were determined to escape such conditions at any cost including life itself.

And what of the 100,000 North Korean refugees? Was it worth the hardships endured for freedom? They and their progeny are now living in freedom purchased with the blood of 54,000 young American sons, husbands and fathers.

There are always a few miscreants in every part of our American society, including, at times, a few American soldiers. However, as Americans, we cannot—we must not—let the indefensible actions of a few blemish the magnificent sacrifices of the many in what, until now, has been called The Forgotten War.

Semper Fidelis.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. McINNIS. Mr. Speaker, it is with an overwhelming sense of pride that I now rise to pay tribute to a truly historic event in the proud and distinguished history of the great State of Colorado: the establishment of the Black Canyon of the Gunnison National Park.

As the House sponsor of legislation that redesignated the Black Canyon as a national park, it gives me great joy to describe for this esteemed body's record the beauty of this truly majestic place. In addition, I would like to offer my gratitude to a community of individuals instrumental in the long process that ultimately yielded the establishment of the Black Canyon of the Gunnison National Park.

Mr. Speaker, anyone who has visited the Black Canyon can attest to its awe-inspiring natural beauty. Named for the dark rock that makes up its sheer walls, the Black Canyon is largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

If ever there was a place worthy of the prestigious status that only national park status can afford, Mr. Speaker, it is the Black Canyon. But as you know, national parks don't just happen. In this case, it took nearly 15 years, several Congressional Representatives and Senators, innumerable locally elected officials, and a virtual sea of committed citizens in western Colorado.

Included in this group are the good people of Crawford, Colorado. During this long and at times difficult process, Crawford's civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without Crawford's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Crawford who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

REA CAREY HONORED FOR HER DISTINGUISHED SERVICE AT THE NATIONAL YOUTH ADVOCACY COALITION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Ms. NORTON. Mr. Speaker, I rise today to honor Rea Carey, founding Executive Director of the National Youth Advocacy Coalition (NYAC). NYAC is the only National organization solely focused on advocacy, education, and information addressing the broad range of issues facing lesbian, gay, bisexual, and transgendered youth. Since the founding of the organization in 1993, Carey has worked with the board and staff to develop NYAC as an organization committed to lesbian, gay, bisexual, and transgendered youth leadership, national vision driven by community-based needs, and lesbian, gay, bisexual, and transgendered youth activism without a broader social justice context.

Rea's list of accomplishments in her six-year tenure is as extensive as it is impressive. Through her leadership, the NYAC's budget has grown from $80,000 per year to $900,000 per year, the staff has grown from one to eleven, an the breadth and depth of its work increased as well. Among other things, the NYAC convenes a ''National Summit'' every year focused entirely on the political, social, and mental/physical health issues facing lesbian, gay, bisexual, and transgendered youth. It provides skills building and leadership training for youth, technical assistance to community organizations, fundraising, referral networks, and other many other services.

Rea's large contribution to this success was recognized this year, when she was given an ''Award of Excellence'' by the Centers for Disease Control and Prevention's Division of Adolescent and School Health for her ''imaginative and creative efforts'' in helping to educate America's young people about preventing HIV infection.

Mr. Speaker, I ask you and all my colleagues to join me in honoring Rea Carey. While her good work at NYAC is done, I am sure that her career of good works is only beginning.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 21, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 22

9:30 a.m.
Armed Services
To hold hearings to examine the security of the Panama Canal.
SH–216

OCTOBER 25

1 p.m.
Small Business
To hold hearings to examine the incidents of high-tech fraud on small businesses.
SD–562

OCTOBER 26

9:30 a.m.
Energy and Natural Resources
To hold hearings on the interpretation and implementation plans of subsistence management regulations for public lands in Alaska.
SD–366

10 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on the courthouse construction program.
SD–406

2 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine Chinese espionage at United States nuclear facilities and the transfer of United States technology to China.
S–407, Capitol

2:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the Real Property Management Program and the maintenance of the historic homes and senior offices' quarters.
SR–222

OCTOBER 27

9:30 a.m.
Indian Affairs
To hold hearings on proposed legislation authorizing funds for elementary and secondary education assistance, focusing on Indian educational programs; to be followed by a business meeting on pending calendar business.
SR–285

Armed Services
To hold hearings on the nomination of 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: Gen. Joseph W. Ralston, 9172, To be General; the nomination of The following named officer for appointment as Vice Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 154: Gen. Richard B. Myers, 7092, To be General; the nomination of The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. Thomas A. Schwartz, 0711, To be General; and the nomination of 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: Gen. Ralph E. Eberhart, 7375, To be General.
SH–216

10 a.m.
Judiciary
To hold hearings on terrorism issues, focusing on victims' access to terrorist assets.
SD–226

10:30 a.m.
Foreign Relations
To hold hearings to examine the future of U.S.-China relations.
SD–419

2:30 p.m.
Judiciary
Criminal Justice Oversight Subcommittee
To hold hearings on the Justice Department's response to international parental kidnapping.
SD–226

Environment and Public Works
To hold hearings on S. 1405, to amend the Woodrow Wilson Memorial Bridge Authority Act of 1995 to provide an authorization of contract authority for fiscal years 2004 through 2007.
SD–406

3 p.m.
Foreign Relations
To hold hearings on numerous tax treaties and protocol.
SD–419

OCTOBER 28

9:30 a.m.
Small Business
To hold hearings on the Environmental Protection Agency's recent rulemaking in regards to small businesses.
SR–428A

10:30 a.m.
Foreign Relations
To hold hearings on the nomination of Joseph W. Prueher, of Tennessee, to be Ambassador to the People's Republic of China.
SD–419

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the Federal hydroelectric licensing process.
SD–366

NOVEMBER 4

9:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 1586, to reduce the fractionated ownership of Indian Lands; and S. 1315, to permit the leasing of oil and gas rights on certain lands held in trust for the Navajo Nation or allotted to a member of the Navajo Nation, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for lease.
Room to be announced

CANCELLATIONS

OCTOBER 26

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.
SD–366