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DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1999

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that the Committee on Commerce and the Committee on Education and the Workforce be discharged from further consideration of the Senate bill (S. 1809) to improve service systems for individuals with developmental disabilities, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1809

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 “Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

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Sec. 154. Applications.

Sec. 155. Definition.

Sec. 156. Authorization of appropriations.

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Sec. 161. Purpose.

Sec. 162. Grant authority.

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Sec. 202. Findings, purposes, and policy.

Sec. 203. Definitions and special rule.

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Sec. 206. Designation of the lead entity.

Sec. 207. Authorized activities.

Sec. 208. Reporting.

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Sec. 210. Evaluation.

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TITLE III—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

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TITLE IV—REPEAL

Sec. 401. Repeal.

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TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Subtitle A—General Provisions

SEC. 101. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society;

(2) in 1999, there are between 3,200,000 and 4,500,000 individuals with developmental disabilities in the United States, and recent studies indicate that individuals with developmental disabilities comprise between 1.2 and 1.65 percent of the United States population;

(3) individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;

(4) individuals with developmental disabilities often encounter discrimination in the provision of critical services, such as services in the areas of emphasis (as defined in section 102);

(5) individuals with developmental disabilities are at greater risk than the general population of abuse, neglect, financial and sexual exploitation, and the violation of their legal and human rights;

(6) a substantial portion of individuals with developmental disabilities and their families do not have access to appropriate support and services, including access to assistive technology, from generic and specialized service systems, and remain unserved or underserved;

(7) individuals with developmental disabilities often require lifelong community services, individualized supports, and other forms of assistance, that are most effective when provided in a coordinated manner;

(8) there is a need to ensure that services, supports, and other assistance are provided in a culturally competent manner, that ensures that individuals from racial and ethnic minority backgrounds are fully included in all activities provided under this title;

(9) family members, friends, and members of the community can play an important role in enhancing the lives of individuals with developmental disabilities, especially when the family members, friends, and community members are provided with the necessary community services, individualized supports, and other forms of assistance;

(10) current research indicates that 88 percent of individuals with developmental disabilities live with their families or in their own households;

(11) many service delivery systems and communities are not prepared to meet the impending needs of the 479,862 adults with developmental disabilities who are living at home with parents who are 60 years old or older and who serve as the primary caregivers of the adults;

(12) in almost every State, individuals with developmental disabilities are waiting for appropriate services in their communities, in the areas of emphasis;

(13) the public needs to be made more aware of the capabilities and competencies of individuals with developmental disabilities, particularly in cases in which the individuals are provided with necessary services, supports, and other assistance;

(14) as increasing numbers of individuals with developmental disabilities are living, learning, working, and participating in all aspects of community life, there is an in-

creasing need for a well trained workforce that is able to provide the services, supports, and other forms of direct assistance required to enable the individuals to carry out those activities;

(15) there needs to be greater effort to recruit individuals from minority backgrounds into professions serving individuals with developmental disabilities and their families;

(16) the goals of the Nation properly include a goal of providing individuals with developmental disabilities with the information, skills, opportunities, and support to—

(A) make informed choices and decisions about their lives;

(B) live in homes and communities in which such individuals can exercise their full rights and responsibilities as citizens;

(C) pursue meaningful and productive lives;

(D) contribute to their families, communities, and States, and the Nation;

(E) have interdependent friendships and relationships with other persons;

(F) live free of abuse, neglect, financial and sexual exploitation, and violations of their legal and human rights; and

(G) achieve full integration and inclusion in society, in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual; and

(17) as the Nation, States, and communities maintain and expand community living options for individuals with developmental disabilities, there is a need to evaluate the access to those options by individuals with developmental disabilities and the effects of those options on individuals with developmental disabilities.

(b) PURPOSE.—The purpose of this title is to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent programs authorized under this title, including specifically—

(1) State Councils on Developmental Disabilities in each State to engage in advocacy, capacity building, and systemic change activities that—

(A) are consistent with the purpose described in this subsection and the policy described in subsection (c); and

(B) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system that includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families;

(2) protection and advocacy systems in each State to protect the legal and human rights of individuals with developmental disabilities;

(3) University Centers for Excellence in Developmental Disabilities Education, Research, and Service—

(A) to provide interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title;

(B) to provide community services—

(i) that provide training and technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and

(ii) that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities;

(C) to conduct research, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively or negatively, individuals with developmental disabilities and their families; and

(D) to disseminate information related to activities undertaken to address the purpose of this title, especially dissemination of information that demonstrates that the network authorized under this subtitle is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances; and

(4) funding for—

(A) national initiatives to collect necessary data on issues that are directly or indirectly relevant to the lives of individuals with developmental disabilities;

(B) technical assistance to entities who engage in or intend to engage in activities consistent with the purpose described in this subsection or the policy described in subsection (c); and

(C) other nationally significant activities.

(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this title shall be carried out in a manner consistent with the principles that—

(1) individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of self-determination, independence, productivity, and integration and inclusion in all facets of community life, but often require the provision of community services, individualized supports, and other forms of assistance;

(2) individuals with developmental disabilities and their families have competencies, capabilities, and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individuals;

(3) individuals with developmental disabilities and their families are the primary decisionmakers regarding the services and supports such individuals and their families receive, including regarding choosing where the individuals live from available options, and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families;

(4) services, supports, and other assistance should be provided in a manner that demonstrates respect for individual dignity, personal preferences, and cultural differences;

(5) specific efforts must be made to ensure that individuals with developmental disabilities from racial and ethnic minority backgrounds and their families enjoy increased and meaningful opportunities to access and use community services, individualized supports, and other forms of assistance available to other individuals with developmental disabilities and their families;

(6) recruitment efforts in disciplines related to developmental disabilities relating to pre-service training, community training, practice, administration, and policymaking must focus on bringing larger numbers of racial and ethnic minorities into the disciplines in order to provide appropriate skills, knowledge, role models, and sufficient personnel to address the growing needs of an increasingly diverse population;

(7) with education and support, communities can be accessible to and responsive to the needs of individuals with developmental

disabilities and their families and are enriched by full and active participation in community activities, and contributions, by individuals with developmental disabilities and their families;

(8) individuals with developmental disabilities have access to opportunities and the necessary support to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families, communities, and States, and the Nation;

(9) efforts undertaken to maintain or expand community-based living options for individuals with disabilities should be monitored in order to determine and report to appropriate individuals and entities the extent of access by individuals with developmental disabilities to those options and the extent of compliance by entities providing those options with quality assurance standards;

(10) families of children with developmental disabilities need to have access to and use of safe and appropriate child care and before-school and after-school programs, in the most integrated settings, in order to enrich the participation of the children in community life;

(11) individuals with developmental disabilities need to have access to and use of public transportation, in order to be independent and directly contribute to and participate in all facets of community life; and

(12) individuals with developmental disabilities need to have access to and use of recreational, leisure, and social opportunities in the most integrated settings, in order to enrich their participation in community life.

SEC. 102. DEFINITIONS.

In this title:

(1) **AMERICAN INDIAN CONSORTIUM.**—The term “American Indian Consortium” means any confederation of 2 or more recognized American Indian tribes, created through the official action of each participating tribe, that has a combined total resident population of 150,000 enrolled tribal members and a contiguous territory of Indian lands in 2 or more States.

(2) **AREAS OF EMPHASIS.**—The term “areas of emphasis” means the areas related to quality assurance activities, education activities and early intervention activities, child care-related activities, health-related activities, employment-related activities, housing-related activities, transportation-related activities, recreation-related activities, and other services available or offered to individuals in a community, including formal and informal community supports, that affect their quality of life.

(3) **ASSISTIVE TECHNOLOGY DEVICE.**—The term “assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially, modified or customized, that is used to increase, maintain, or improve functional capabilities of individuals with developmental disabilities.

(4) **ASSISTIVE TECHNOLOGY SERVICE.**—The term “assistive technology service” means any service that directly assists an individual with a developmental disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) conducting an evaluation of the needs of an individual with a developmental disability, including a functional evaluation of the individual in the individual’s customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of an assistive technology device by an individual with a developmental disability;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, re-

pairing or replacing an assistive technology device;

(D) coordinating and using another therapy, intervention, or service with an assistive technology device, such as a therapy, intervention, or service associated with an education or rehabilitation plan or program;

(E) providing training or technical assistance for an individual with a developmental disability, or, where appropriate, a family member, guardian, advocate, or authorized representative of an individual with a developmental disability; and

(F) providing training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of, an individual with developmental disabilities.

(5) **CENTER.**—The term “Center” means a University Center for Excellence in Developmental Disabilities Education, Research, and Service established under subtitle D.

(6) **CHILD CARE-RELATED ACTIVITIES.**—The term “child care-related activities” means advocacy, capacity building, and systemic change activities that result in families of children with developmental disabilities having access to and use of child care services, including before-school, after-school, and out-of-school services, in their communities.

(7) **CULTURALLY COMPETENT.**—The term “culturally competent”, used with respect to services, supports, or other assistance, means services, supports, or other assistance that is conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of individuals who are receiving the services, supports, or other assistance, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program involved.

(8) **DEVELOPMENTAL DISABILITY.**—

(A) **IN GENERAL.**—The term “developmental disability” means a severe, chronic disability of an individual that—

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age 22;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:

(I) Self-care.

(II) Receptive and expressive language.

(III) Learning.

(IV) Mobility.

(V) Self-direction.

(VI) Capacity for independent living.

(VII) Economic self-sufficiency; and

(v) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) **INFANTS AND YOUNG CHILDREN.**—An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

(9) **EARLY INTERVENTION ACTIVITIES.**—The term “early intervention activities” means advocacy, capacity building, and systemic change activities provided to individuals described in paragraph (8)(B) and their families to enhance—

(A) the development of the individuals to maximize their potential; and

(B) the capacity of families to meet the special needs of the individuals.

(10) **EDUCATION ACTIVITIES.**—The term “education activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities being able to access appropriate supports and modifications when necessary, to maximize their educational potential, to benefit from lifelong educational activities, and to be integrated and included in all facets of student life.

(11) **EMPLOYMENT-RELATED ACTIVITIES.**—The term “employment-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities acquiring, retaining, or advancing in paid employment, including supported employment or self-employment, in integrated settings in a community.

(12) **FAMILY SUPPORT SERVICES.**—

(A) **IN GENERAL.**—The term “family support services” means services, supports, and other assistance, provided to families with members who have developmental disabilities, that are designed to—

(i) strengthen the family’s role as primary caregiver;

(ii) prevent inappropriate out-of-the-home placement of the members and maintain family unity; and

(iii) reunite families with members who have been placed out of the home whenever possible.

(B) **SPECIFIC SERVICES.**—Such term includes respite care, provision of rehabilitation technology and assistive technology, personal assistance services, parent training and counseling, support for families headed by aging caregivers, vehicular and home modifications, and assistance with extraordinary expenses, associated with the needs of individuals with developmental disabilities.

(13) **HEALTH-RELATED ACTIVITIES.**—The term “health-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of coordinated health, dental, mental health, and other human and social services, including prevention activities, in their communities.

(14) **HOUSING-RELATED ACTIVITIES.**—The term “housing-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of housing and housing supports and services in their communities, including assistance related to renting, owning, or modifying an apartment or home.

(15) **INCLUSION.**—The term “inclusion”, used with respect to individuals with developmental disabilities, means the acceptance and encouragement of the presence and participation of individuals with developmental disabilities, by individuals without disabilities, in social, educational, work, and community activities, that enables individuals with developmental disabilities to—

(A) have friendships and relationships with individuals and families of their own choice;

(B) live in homes close to community resources, with regular contact with individuals without disabilities in their communities;

(C) enjoy full access to and active participation in the same community activities and types of employment as individuals without disabilities; and

(D) take full advantage of their integration into the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities.

(16) **INDIVIDUALIZED SUPPORTS.**—The term “individualized supports” means supports that—

(A) enable an individual with a developmental disability to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life;

(B) are designed to—

(i) enable such individual to control such individual’s environment, permitting the most independent life possible;

(ii) prevent placement into a more restrictive living arrangement than is necessary; and

(iii) enable such individual to live, learn, work, and enjoy life in the community; and

(C) include—

(i) early intervention services;

(ii) respite care;

(iii) personal assistance services;

(iv) family support services;

(v) supported employment services;

(vi) support services for families headed by aging caregivers of individuals with developmental disabilities; and

(vii) provision of rehabilitation technology and assistive technology, and assistive technology services.

(17) **INTEGRATION.**—The term “integration”, used with respect to individuals with developmental disabilities, means exercising the equal right of individuals with developmental disabilities to access and use the same community resources as are used by and available to other individuals.

(18) **NOT-FOR-PROFIT.**—The term “not-for-profit”, used with respect to an agency, institution, or organization, means an agency, institution, or organization that is owned or operated by 1 or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(19) **PERSONAL ASSISTANCE SERVICES.**—The term “personal assistance services” means a range of services, provided by 1 or more individuals, designed to assist an individual with a disability to perform daily activities, including activities on or off a job that such individual would typically perform if such individual did not have a disability. Such services shall be designed to increase such individual’s control in life and ability to perform everyday activities, including activities on or off a job.

(20) **PREVENTION ACTIVITIES.**—The term “prevention activities” means activities that address the causes of developmental disabilities and the exacerbation of functional limitation, such as activities that—

(A) eliminate or reduce the factors that cause or predispose individuals to developmental disabilities or that increase the prevalence of developmental disabilities;

(B) increase the early identification of problems to eliminate circumstances that create or increase functional limitations; and

(C) mitigate against the effects of developmental disabilities throughout the lifespan of an individual.

(21) **PRODUCTIVITY.**—The term “productivity” means—

(A) engagement in income-producing work that is measured by increased income, improved employment status, or job advancement; or

(B) engagement in work that contributes to a household or community.

(22) **PROTECTION AND ADVOCACY SYSTEM.**—The term “protection and advocacy system” means a protection and advocacy system established in accordance with section 143.

(23) **QUALITY ASSURANCE ACTIVITIES.**—The term “quality assurance activities” means advocacy, capacity building, and systemic change activities that result in improved

consumer- and family-centered quality assurance and that result in systems of quality assurance and consumer protection that—

(A) include monitoring of services, supports, and assistance provided to an individual with developmental disabilities that ensures that the individual—

(i) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and

(ii) will not be subject to the inappropriate use of restraints or seclusion;

(B) include training in leadership, self-advocacy, and self-determination for individuals with developmental disabilities, their families, and their guardians to ensure that those individuals—

(i) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and

(ii) will not be subject to the inappropriate use of restraints or seclusion; or

(C) include activities related to inter-agency coordination and systems integration that result in improved and enhanced services, supports, and other assistance that contribute to and protect the self-determination, independence, productivity, and integration and inclusion in all facets of community life, of individuals with developmental disabilities.

(24) **RECREATION-RELATED ACTIVITIES.**—The term “recreation-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of recreational, leisure, and social activities, in their communities.

(25) **REHABILITATION TECHNOLOGY.**—The term “rehabilitation technology” means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with developmental disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Such term includes rehabilitation engineering, and the provision of assistive technology devices and assistive technology services.

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

(27) **SELF-DETERMINATION ACTIVITIES.**—The term “self-determination activities” means activities that result in individuals with developmental disabilities, with appropriate assistance, having—

(A) the ability and opportunity to communicate and make personal decisions;

(B) the ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports, and other assistance the individuals receive;

(C) the authority to control resources to obtain needed services, supports, and other assistance;

(D) opportunities to participate in, and contribute to, their communities; and

(E) support, including financial support, to advocate for themselves and others, to develop leadership skills, through training in self-advocacy, to participate in coalitions, to educate policymakers, and to play a role in the development of public policies that affect individuals with developmental disabilities.

(28) **STATE.**—The term “State”, except as otherwise provided, includes, in addition to 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, and the Commonwealth of the Northern Mariana Islands.

(29) **STATE COUNCIL ON DEVELOPMENTAL DISABILITIES.**—The term “State Council on De-

velopmental Disabilities” means a Council established under section 125.

(30) **SUPPORTED EMPLOYMENT SERVICES.**—The term “supported employment services” means services that enable individuals with developmental disabilities to perform competitive work in integrated work settings, in the case of individuals with developmental disabilities—

(A)(i) for whom competitive employment has not traditionally occurred; or

(ii) for whom competitive employment has been interrupted or intermittent as a result of significant disabilities; and

(B) who, because of the nature and severity of their disabilities, need intensive supported employment services or extended services in order to perform such work.

(31) **TRANSPORTATION-RELATED ACTIVITIES.**—The term “transportation-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of transportation.

(32) **UNSERVED AND UNDERSERVED.**—The term “unserved and underserved” includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with developmental disabilities, including individuals who require assistive technology in order to participate in and contribute to community life.

SEC. 103. RECORDS AND AUDITS.

(a) **RECORDS.**—Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including—

(1) records that fully disclose—

(A) the amount and disposition by such recipient of the assistance;

(B) the total cost of the project or undertaking in connection with which such assistance is given or used; and

(C) the amount of that portion of the cost of the project or undertaking that is supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(b) **ACCESS.**—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

SEC. 104. RESPONSIBILITIES OF THE SECRETARY.

(a) **PROGRAM ACCOUNTABILITY.**—

(1) **IN GENERAL.**—In order to monitor entities that received funds under this Act to carry out activities under subtitles B, C, and D and determine the extent to which the entities have been responsive to the purpose of this title and have taken actions consistent with the policy described in section 101(c), the Secretary shall develop and implement an accountability process as described in this subsection, with respect to activities conducted after October 1, 2000.

(2) **AREAS OF EMPHASIS.**—The Secretary shall develop a process for identifying and reporting (pursuant to section 105) on progress achieved through advocacy, capacity building, and systemic change activities, undertaken by the entities described in paragraph (1), that resulted in individuals with developmental disabilities and their families participating in the design of and having access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life. Specifically, the Secretary shall develop a

process for identifying and reporting on progress achieved, through advocacy, capacity building, and systemic change activities, by the entities in the areas of emphasis.

(3) INDICATORS OF PROGRESS.—

(A) IN GENERAL.—In identifying progress made by the entities described in paragraph (1) in the areas of emphasis, the Secretary, in consultation with the Commissioner of the Administration on Developmental Disabilities and the entities, shall develop indicators for each area of emphasis.

(B) PROPOSED INDICATORS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop and publish in the Federal Register for public comment proposed indicators of progress for monitoring how entities described in paragraph (1) have addressed the areas of emphasis described in paragraph (2) in a manner that is responsive to the purpose of this title and consistent with the policy described in section 101(c).

(C) FINAL INDICATORS.—Not later than October 1, 2000, the Secretary shall revise the proposed indicators of progress, to the extent necessary based on public comment, and publish final indicators of progress in the Federal Register.

(D) SPECIFIC MEASURES.—At a minimum, the indicators of progress shall be used to describe and measure—

(i) the satisfaction of individuals with developmental disabilities with the advocacy, capacity building, and systemic change activities provided under subtitles B, C, and D;

(ii) the extent to which the advocacy, capacity building, and systemic change activities provided through subtitles B, C, and D result in improvements in—

(I) the ability of individuals with developmental disabilities to make choices and exert control over the type, intensity, and timing of services, supports, and assistance that the individuals have used;

(II) the ability of individuals with developmental disabilities to participate in the full range of community life with persons of the individuals' choice; and

(III) the ability of individuals with developmental disabilities to access services, supports, and assistance in a manner that ensures that such an individual is free from abuse, neglect, sexual and financial exploitation, violation of legal and human rights, and the inappropriate use of restraints and seclusion; and

(iii) the extent to which the entities described in paragraph (1) collaborate with each other to achieve the purpose of this title and the policy described in section 101(c).

(4) TIME LINE FOR COMPLIANCE WITH INDICATORS OF PROGRESS.—The Secretary shall require entities described in paragraph (1) to meet the indicators of progress described in paragraph (3). For fiscal year 2001 and each year thereafter, the Secretary shall apply the indicators in monitoring entities described in paragraph (1), with respect to activities conducted after October 1, 2000.

(b) TIME LINE FOR REGULATIONS.—Except as otherwise expressly provided in this title, the Secretary, not later than 1 year after the date of enactment of this Act, shall promulgate such regulations as may be required for the implementation of this title.

(c) INTERAGENCY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall maintain the interagency committee authorized in section 108 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6007) as in effect on the day before the date of enactment of this Act, except as otherwise provided in this subsection.

(2) COMPOSITION.—The interagency committee shall be composed of representatives of—

(A) the Administration on Developmental Disabilities, the Administration on Children, Youth, and Families, the Administration on Aging, and the Health Resources and Services Administration, of the Department of Health and Human Services; and

(B) such other Federal departments and agencies as the Secretary of Health and Human Services considers to be appropriate.

(3) DUTIES.—Such interagency committee shall meet regularly to coordinate and plan activities conducted by Federal departments and agencies for individuals with developmental disabilities.

(4) MEETINGS.—Each meeting of the interagency committee (except for any meetings of any subcommittees of the committee) shall be open to the public. Notice of each meeting, and a statement of the agenda for the meeting, shall be published in the Federal Register not later than 14 days before the date on which the meeting is to occur.

SEC. 105. REPORTS OF THE SECRETARY.

At least once every 2 years, the Secretary, using information submitted in the reports and information required under subtitles B, C, D, and E, shall prepare and submit to the President, Congress, and the National Council on Disability, a report that describes the goals and outcomes of programs supported under subtitles B, C, D, and E. In preparing the report, the Secretary shall provide—

(1) meaningful examples of how the councils, protection and advocacy systems, centers, and entities funded under subtitles B, C, D, and E, respectively—

(A) have undertaken coordinated activities with each other;

(B) have enhanced the ability of individuals with developmental disabilities and their families to participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life;

(C) have brought about advocacy, capacity building, and systemic change activities (including policy reform), and other actions on behalf of individuals with developmental disabilities and their families, including individuals who are traditionally unserved or underserved, particularly individuals who are members of ethnic and racial minority groups and individuals from underserved geographic areas; and

(D) have brought about advocacy, capacity building, and systemic change activities that affect individuals with disabilities other than individuals with developmental disabilities;

(2) information on the extent to which programs authorized under this title have addressed—

(A) protecting individuals with developmental disabilities from abuse, neglect, sexual and financial exploitation, and violations of legal and human rights, so that those individuals are at no greater risk of harm than other persons in the general population; and

(B) reports of deaths of and serious injuries to individuals with developmental disabilities; and

(3) a summary of any incidents of non-compliance of the programs authorized under this title with the provisions of this title, and corrections made or actions taken to obtain compliance.

SEC. 106. STATE CONTROL OF OPERATIONS.

Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any programs, services, and supports for individ-

uals with developmental disabilities with respect to which any funds have been or may be expended under this title.

SEC. 107. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

As a condition of providing assistance under this title, the Secretary shall require that each recipient of such assistance take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of such individuals under the provisions of title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), that govern employment.

SEC. 108. CONSTRUCTION.

Nothing in this title shall be construed to preclude an entity funded under this title from engaging in advocacy, capacity building, and systemic change activities for individuals with developmental disabilities that may also have a positive impact on individuals with other disabilities.

SEC. 109. RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

(a) IN GENERAL.—Congress makes the following findings respecting the rights of individuals with developmental disabilities:

(1) Individuals with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities, consistent with section 101(c).

(2) The treatment, services, and habitation for an individual with developmental disabilities should be designed to maximize the potential of the individual and should be provided in the setting that is least restrictive of the individual's personal liberty.

(3) The Federal Government and the States both have an obligation to ensure that public funds are provided only to institutional programs, residential programs, and other community programs, including educational programs in which individuals with developmental disabilities participate, that—

(A) provide treatment, services, and habilitation that are appropriate to the needs of such individuals; and

(B) meet minimum standards relating to—

(i) provision of care that is free of abuse, neglect, sexual and financial exploitation, and violations of legal and human rights and that subjects individuals with developmental disabilities to no greater risk of harm than others in the general population;

(ii) provision to such individuals of appropriate and sufficient medical and dental services;

(iii) prohibition of the use of physical restraint and seclusion for such an individual unless absolutely necessary to ensure the immediate physical safety of the individual or others, and prohibition of the use of such restraint and seclusion as a punishment or as a substitute for a habilitation program;

(iv) prohibition of the excessive use of chemical restraints on such individuals and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment, or habilitation for such individuals; and

(v) provision for close relatives or guardians of such individuals to visit the individuals without prior notice.

(4) All programs for individuals with developmental disabilities should meet standards—

(A) that are designed to assure the most favorable possible outcome for those served; and

(B)(i) in the case of residential programs serving individuals in need of comprehensive health-related, habilitative, assistive technology or rehabilitative services, that are at

least equivalent to those standards applicable to intermediate care facilities for the mentally retarded, promulgated in regulations of the Secretary on June 3, 1988, as appropriate, taking into account the size of the institutions and the service delivery arrangements of the facilities of the programs;

(ii) in the case of other residential programs for individuals with developmental disabilities, that assure that—

(I) care is appropriate to the needs of the individuals being served by such programs;

(II) the individuals admitted to facilities of such programs are individuals whose needs can be met through services provided by such facilities; and

(III) the facilities of such programs provide for the humane care of the residents of the facilities, are sanitary, and protect their rights; and

(iii) in the case of nonresidential programs, that assure that the care provided by such programs is appropriate to the individuals served by the programs.

(b) CLARIFICATION.—The rights of individuals with developmental disabilities described in findings made in this section shall be considered to be in addition to any constitutional or other rights otherwise afforded to all individuals.

Subtitle B—Federal Assistance to State Councils on Developmental Disabilities

SEC. 121. PURPOSE.

The purpose of this subtitle is to provide for allotments to support State Councils on Developmental Disabilities (referred to individually in this subtitle as a "Council") in each State to—

(1) engage in advocacy, capacity building, and systemic change activities that are consistent with the purpose described in section 101(b) and the policy described in section 101(c); and

(2) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life.

SEC. 122. STATE ALLOTMENTS.

(a) ALLOTMENTS.—

(1) IN GENERAL.—

(A) AUTHORITY.—For each fiscal year, the Secretary shall, in accordance with regulations and this paragraph, allot the sums appropriated for such year under section 129 among the States on the basis of—

(i) the population;

(ii) the extent of need for services for individuals with developmental disabilities; and

(iii) the financial need, of the respective States.

(B) USE OF FUNDS.—Sums allotted to the States under this section shall be used to pay for the Federal share of the cost of carrying out projects in accordance with State plans approved under section 124 for the provision under such plans of services for individuals with developmental disabilities.

(2) ADJUSTMENTS.—The Secretary may make adjustments in the amounts of State allotments based on clauses (i), (ii), and (iii) of paragraph (1)(A) not more often than annually. The Secretary shall notify each State of any adjustment made under this paragraph and the percentage of the total sums appropriated under section 129 that the adjusted allotment represents not later than 6 months before the beginning of the fiscal year in which such adjustment is to take effect.

(3) MINIMUM ALLOTMENT FOR APPROPRIATIONS LESS THAN OR EQUAL TO \$70,000,000.—

(A) IN GENERAL.—Except as provided in paragraph (4), for any fiscal year the allotment under this section—

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than \$210,000; and

(ii) to any State not described in clause (i) may not be less than \$400,000.

(B) REDUCTION OF ALLOTMENT.—Notwithstanding subparagraph (A), if the aggregate of the amounts to be allotted to the States pursuant to subparagraph (A) for any fiscal year exceeds the total amount appropriated under section 129 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

(4) MINIMUM ALLOTMENT FOR APPROPRIATIONS IN EXCESS OF \$70,000,000.—

(A) IN GENERAL.—In any case in which the total amount appropriated under section 129 for a fiscal year is more than \$70,000,000, the allotment under this section for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than \$220,000; and

(ii) to any State not described in clause (i) may not be less than \$450,000.

(B) REDUCTION OF ALLOTMENT.—The requirements of paragraph (3)(B) shall apply with respect to amounts to be allotted to States under subparagraph (A), in the same manner and to the same extent as such requirements apply with respect to amounts to be allotted to States under paragraph (3)(A).

(5) STATE SUPPORTS, SERVICES, AND OTHER ACTIVITIES.—In determining, for purposes of paragraph (1)(A)(ii), the extent of need in any State for services for individuals with developmental disabilities, the Secretary shall take into account the scope and extent of the services, supports, and assistance described, pursuant to section 124(c)(3)(A), in the State plan of the State.

(6) INCREASE IN ALLOTMENTS.—In any year in which the total amount appropriated under section 129 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in paragraphs (3) and (4). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 129 for the fiscal year for which the increase in the minimum allotment is being made; minus

(B) the total amount appropriated under section 129 (or a corresponding provision) for the immediately preceding fiscal year, bears to the total amount appropriated under section 129 (or a corresponding provision) for such preceding fiscal year.

(b) UNOBLIGATED FUNDS.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which such amount was paid.

(c) OBLIGATION OF FUNDS.—For the purposes of this subtitle, State Interagency Agreements are considered valid obligations

for the purpose of obligating Federal funds allotted to the State under this subtitle.

(d) COOPERATIVE EFFORTS BETWEEN STATES.—If a State plan approved in accordance with section 124 provides for cooperative or joint effort between or among States or agencies, public or private, in more than 1 State, portions of funds allotted to 1 or more States described in this subsection may be combined in accordance with the agreements between the States or agencies involved.

(e) REALLOTMENTS.—

(1) IN GENERAL.—If the Secretary determines that an amount of an allotment to a State for a period (of a fiscal year or longer) will not be required by the State during the period for the purpose for which the allotment was made, the Secretary may reallocate the amount.

(2) TIMING.—The Secretary may make such a reallocation from time to time, on such date as the Secretary may fix, but not earlier than 30 days after the Secretary has published notice of the intention of the Secretary to make the reallocation in the Federal Register.

(3) AMOUNTS.—The Secretary shall reallocate the amount to other States with respect to which the Secretary has not made that determination. The Secretary shall reallocate the amount in proportion to the original allotments of the other States for such fiscal year, but shall reduce such proportionate amount for any of the other States to the extent the proportionate amount exceeds the sum that the Secretary estimates the State needs and will be able to use during such period.

(4) REALLOTMENT OF REDUCTIONS.—The Secretary shall similarly reallocate the total of the reductions among the States whose proportionate amounts were not so reduced.

(5) TREATMENT.—Any amount reallocated to a State under this subsection for a fiscal year shall be deemed to be a part of the allotment of the State under subsection (a) for such fiscal year.

SEC. 123. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.

(a) STATE PLAN EXPENDITURES.—From each State's allotments for a fiscal year under section 122, the Secretary shall pay to the State the Federal share of the cost, other than the cost for construction, incurred during such year for activities carried out under the State plan approved under section 124. The Secretary shall make such payments from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend for the cost under the State plan. The Secretary shall make such adjustments as may be necessary to the payments on account of previously made underpayments or overpayments under this section.

(b) DESIGNATED STATE AGENCY EXPENDITURES.—The Secretary may make payments to a State for the portion described in section 124(c)(5)(B)(vi) in advance or by way of reimbursement, and in such installments as the Secretary may determine.

SEC. 124. STATE PLAN.

(a) IN GENERAL.—Any State desiring to receive assistance under this subtitle shall submit to the Secretary, and obtain approval of, a 5-year strategic State plan under this section.

(b) PLANNING CYCLE.—The plan described in subsection (a) shall be updated as appropriate during the 5-year period.

(c) STATE PLAN REQUIREMENTS.—In order to be approved by the Secretary under this section, a State plan shall meet each of the following requirements:

(1) STATE COUNCIL.—The plan shall provide for the establishment and maintenance of a

Council in accordance with section 125 and describe the membership of such Council.

(2) DESIGNATED STATE AGENCY.—The plan shall identify the agency or office within the State designated to support the Council in accordance with this section and section 125(d) (referred to in this subtitle as a “designated State agency”).

(3) COMPREHENSIVE REVIEW AND ANALYSIS.—The plan shall describe the results of a comprehensive review and analysis of the extent to which services, supports, and other assistance are available to individuals with developmental disabilities and their families, and the extent of unmet needs for services, supports, and other assistance for those individuals and their families, in the State. The results of the comprehensive review and analysis shall include—

(A) a description of the services, supports, and other assistance being provided to individuals with developmental disabilities and their families under other federally assisted State programs, plans, and policies under which the State operates and in which individuals with developmental disabilities are or may be eligible to participate, including particularly programs relating to the areas of emphasis, including—

(i) medical assistance, maternal and child health care, services for children with special health care needs, children’s mental health services, comprehensive health and mental health services, and institutional care options;

(ii) job training, job placement, worksite accommodation, and vocational rehabilitation, and other work assistance programs; and

(iii) social, child welfare, aging, independent living, and rehabilitation and assistive technology services, and such other services as the Secretary may specify;

(B) a description of the extent to which agencies operating such other federally assisted State programs, including activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), pursue interagency initiatives to improve and enhance community services, individualized supports, and other forms of assistance for individuals with developmental disabilities;

(C) an analysis of the extent to which community services and opportunities related to the areas of emphasis directly benefit individuals with developmental disabilities, especially with regard to their ability to access and use services provided in their communities, to participate in opportunities, activities, and events offered in their communities, and to contribute to community life, identifying particularly—

(i) the degree of support for individuals with developmental disabilities that are attributable to either physical impairment, mental impairment, or a combination of physical and mental impairments;

(ii) criteria for eligibility for services, including specialized services and special adaptation of generic services provided by agencies within the State, that may exclude individuals with developmental disabilities from receiving services described in this clause;

(iii) the barriers that impede full participation of members of unserved and underserved groups of individuals with developmental disabilities and their families;

(iv) the availability of assistive technology, assistive technology services, or rehabilitation technology, or information about assistive technology, assistive technology services, or rehabilitation technology to individuals with developmental disabilities;

(v) the numbers of individuals with developmental disabilities on waiting lists for services described in this subparagraph;

(vi) a description of the adequacy of current resources and projected availability of future resources to fund services described in this subparagraph;

(vii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are in facilities receive (based in part on each independent review (pursuant to section 1902(a)(30)(C) of the Social Security Act (42 U.S.C. 1396a(a)(30)(C))) of an Intermediate Care Facility (Mental Retardation) within the State, which the State shall provide to the Council not later than 30 days after the availability of the review); and

(viii) to the extent that information is available, a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive;

(D) a description of how entities funded under subtitles C and D, through interagency agreements or other mechanisms, collaborated with the entity funded under this subtitle in the State, each other, and other entities to contribute to the achievement of the purpose of this subtitle; and

(E) the rationale for the goals related to advocacy, capacity building, and systemic change to be undertaken by the Council to contribute to the achievement of the purpose of this subtitle.

(4) PLAN GOALS.—The plan shall focus on Council efforts to bring about the purpose of this subtitle, by—

(A) specifying 5-year goals, as developed through data driven strategic planning, for advocacy, capacity building, and systemic change related to the areas of emphasis, to be undertaken by the Council, that—

(i) are derived from the unmet needs of individuals with developmental disabilities and their families identified under paragraph (3); and

(ii) include a goal, for each year of the grant, to—

(I) establish or strengthen a program for the direct funding of a State self-advocacy organization led by individuals with developmental disabilities;

(II) support opportunities for individuals with developmental disabilities who are considered leaders to provide leadership training to individuals with developmental disabilities who may become leaders; and

(III) support and expand participation of individuals with developmental disabilities in cross-disability and culturally diverse leadership coalitions; and

(B) for each year of the grant, describing—

(i) the goals to be achieved through the grant, which, beginning in fiscal year 2001, shall be consistent with applicable indicators of progress described in section 104(a)(3);

(ii) the strategies to be used in achieving each goal; and

(iii) the method to be used to determine if each goal has been achieved.

(5) ASSURANCES.—

(A) IN GENERAL.—The plan shall contain or be supported by assurances and information described in subparagraphs (B) through (N) that are satisfactory to the Secretary.

(B) USE OF FUNDS.—With respect to the funds paid to the State under section 122, the plan shall provide assurances that—

(i) not less than 70 percent of such funds will be expended for activities related to the goals described in paragraph (4);

(ii) such funds will contribute to the achievement of the purpose of this subtitle in various political subdivisions of the State;

(iii) such funds will be used to supplement, and not supplant, the non-Federal funds that

would otherwise be made available for the purposes for which the funds paid under section 122 are provided;

(iv) such funds will be used to complement and augment rather than duplicate or replace services for individuals with developmental disabilities and their families who are eligible for Federal assistance under other State programs;

(v) part of such funds will be made available by the State to public or private entities;

(vi) at the request of any State, a portion of such funds provided to such State under this subtitle for any fiscal year shall be available to pay up to ½ (or the entire amount if the Council is the designated State agency) of the expenditures found to be necessary by the Secretary for the proper and efficient exercise of the functions of the designated State agency, except that not more than 5 percent of such funds provided to such State for any fiscal year, or \$50,000, whichever is less, shall be made available for total expenditures for such purpose by the designated State agency; and

(vii) not more than 20 percent of such funds will be allocated to the designated State agency for service demonstrations by such agency that—

(I) contribute to the achievement of the purpose of this subtitle; and

(II) are explicitly authorized by the Council.

(C) STATE FINANCIAL PARTICIPATION.—The plan shall provide assurances that there will be reasonable State financial participation in the cost of carrying out the plan.

(D) CONFLICT OF INTEREST.—The plan shall provide an assurance that no member of such Council will cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.

(E) URBAN AND RURAL POVERTY AREAS.—The plan shall provide assurances that special financial and technical assistance will be given to organizations that provide community services, individualized supports, and other forms of assistance to individuals with developmental disabilities who live in areas designated as urban or rural poverty areas.

(F) PROGRAM ACCESSIBILITY STANDARDS.—The plan shall provide assurances that programs, projects, and activities funded under the plan, and the buildings in which such programs, projects, and activities are operated, will meet standards prescribed by the Secretary in regulations and all applicable Federal and State accessibility standards, including accessibility requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), and the Fair Housing Act (42 U.S.C. 3601 et seq.).

(G) INDIVIDUALIZED SERVICES.—The plan shall provide assurances that any direct services provided to individuals with developmental disabilities and funded under the plan will be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individual.

(H) HUMAN RIGHTS.—The plan shall provide assurances that the human rights of the individuals with developmental disabilities (especially individuals without familial protection) who are receiving services under programs assisted under this subtitle will be protected consistent with section 109 (relating to rights of individuals with developmental disabilities).

(I) MINORITY PARTICIPATION.—The plan shall provide assurances that the State has taken affirmative steps to assure that participation in programs funded under this subtitle is geographically representative of

the State, and reflects the diversity of the State with respect to race and ethnicity.

(J) **EMPLOYEE PROTECTIONS.**—The plan shall provide assurances that fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) will be provided to protect the interests of employees affected by actions taken under the plan to provide community living activities, including arrangements designed to preserve employee rights and benefits and provide training and retraining of such employees where necessary, and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

(K) **STAFF ASSIGNMENTS.**—The plan shall provide assurances that the staff and other personnel of the Council, while working for the Council, will be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and will not be assigned duties by the designated State agency, or any other agency, office, or entity of the State.

(L) **NONINTERFERENCE.**—The plan shall provide assurances that the designated State agency, and any other agency, office, or entity of the State, will not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, State plan development, or plan implementation of the Council, except that the designated State agency shall have the authority necessary to carry out the responsibilities described in section 125(d)(3).

(M) **STATE QUALITY ASSURANCE.**—The plan shall provide assurances that the Council will participate in the planning, design or redesign, and monitoring of State quality assurance systems that affect individuals with developmental disabilities.

(N) **OTHER ASSURANCES.**—The plan shall contain such additional information and assurances as the Secretary may find necessary to carry out the provisions (including the purpose) of this subtitle.

(d) **PUBLIC INPUT AND REVIEW, SUBMISSION, AND APPROVAL.**—

(1) **PUBLIC INPUT AND REVIEW.**—The plan shall be based on public input. The Council shall make the plan available for public review and comment, after providing appropriate and sufficient notice in accessible formats of the opportunity for such review and comment. The Council shall revise the plan to take into account and respond to significant comments.

(2) **CONSULTATION WITH THE DESIGNATED STATE AGENCY.**—Before the plan is submitted to the Secretary, the Council shall consult with the designated State agency to ensure that the State plan is consistent with State law and to obtain appropriate State plan assurances.

(3) **PLAN APPROVAL.**—The Secretary shall approve any State plan and, as appropriate, amendments of such plan that comply with the provisions of subsections (a), (b), and (c) and this subsection. The Secretary may take final action to disapprove a State plan after providing reasonable notice and an opportunity for a hearing to the State.

SEC. 125. STATE COUNCILS ON DEVELOPMENTAL DISABILITIES AND DESIGNATED STATE AGENCIES.

(a) **IN GENERAL.**—Each State that receives assistance under this subtitle shall establish and maintain a Council to undertake advocacy, capacity building, and systemic change activities (consistent with subsections (b) and (c) of section 101) that contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this subtitle. The Council

shall have the authority to fulfill the responsibilities described in subsection (c).

(b) **COUNCIL MEMBERSHIP.**—

(1) **COUNCIL APPOINTMENTS.**—

(A) **IN GENERAL.**—The members of the Council of a State shall be appointed by the Governor of the State from among the residents of that State.

(B) **RECOMMENDATIONS.**—The Governor shall select members of the Council, at the discretion of the Governor, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in individuals with developmental disabilities, including the non-State agency members of the Council. The Council may, at the initiative of the Council, or on the request of the Governor, coordinate Council and public input to the Governor regarding all recommendations.

(C) **REPRESENTATION.**—The membership of the Council shall be geographically representative of the State and reflect the diversity of the State with respect to race and ethnicity.

(2) **MEMBERSHIP ROTATION.**—The Governor shall make appropriate provisions to rotate the membership of the Council. Such provisions shall allow members to continue to serve on the Council until such members' successors are appointed. The Council shall notify the Governor regarding membership requirements of the Council, and shall notify the Governor when vacancies on the Council remain unfilled for a significant period of time.

(3) **REPRESENTATION OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.**—Not less than 60 percent of the membership of each Council shall consist of individuals who are—

(A)(i) individuals with developmental disabilities;

(ii) parents or guardians of children with developmental disabilities; or

(iii) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves; and

(B) not employees of a State agency that receives funds or provides services under this subtitle, and who are not managing employees (as defined in section 1126(b) of the Social Security Act (42 U.S.C. 1320a-5(b)) of any other entity that receives funds or provides services under this subtitle.

(4) **REPRESENTATION OF AGENCIES AND ORGANIZATIONS.**—

(A) **IN GENERAL.**—Each Council shall include—

(i) representatives of relevant State entities, including—

(I) State entities that administer funds provided under Federal laws related to individuals with disabilities, including the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and titles V and XIX of the Social Security Act (42 U.S.C. 701 et seq. and 1396 et seq.);

(II) Centers in the State; and

(III) the State protection and advocacy system; and

(ii) representatives, at all times, of local and nongovernmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located.

(B) **AUTHORITY AND LIMITATIONS.**—The representatives described in subparagraph (A) shall—

(i) have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program such representatives represent; and

(ii) recuse themselves from any discussion of grants or contracts for which such representatives' departments, agencies, or programs are grantees, contractors, or applicants and comply with the conflict of interest assurance requirement under section 124(c)(5)(D).

(5) **COMPOSITION OF MEMBERSHIP WITH DEVELOPMENTAL DISABILITIES.**—Of the members of the Council described in paragraph (3)—

(A) $\frac{1}{3}$ shall be individuals with developmental disabilities described in paragraph (3)(A)(i);

(B) $\frac{1}{3}$ shall be parents or guardians of children with developmental disabilities described in paragraph (3)(A)(ii), or immediate relatives or guardians of adults with developmental disabilities described in paragraph (3)(A)(iii); and

(C) $\frac{1}{3}$ shall be a combination of individuals described in paragraph (3)(A).

(6) **INSTITUTIONALIZED INDIVIDUALS.**—

(A) **IN GENERAL.**—Of the members of the Council described in paragraph (5), at least 1 shall be an immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution.

(B) **LIMITATION.**—Subparagraph (A) shall not apply with respect to a State if such an individual does not reside in that State.

(c) **COUNCIL RESPONSIBILITIES.**—

(1) **IN GENERAL.**—A Council, through Council members, staff, consultants, contractors, or subgrantees, shall have the responsibilities described in paragraphs (2) through (10).

(2) **ADVOCACY, CAPACITY BUILDING, AND SYSTEMIC CHANGE ACTIVITIES.**—The Council shall serve as an advocate for individuals with developmental disabilities and conduct or support programs, projects, and activities that carry out the purpose of this subtitle.

(3) **EXAMINATION OF GOALS.**—At the end of each grant year, each Council shall—

(A) determine the extent to which each goal of the Council was achieved for that year;

(B) determine to the extent that each goal was not achieved, the factors that impeded the achievement;

(C) determine needs that require amendment of the 5-year strategic State plan required under section 124;

(D) separately determine the information on the self-advocacy goal described in section 124(c)(4)(A)(ii); and

(E) determine customer satisfaction with Council supported or conducted activities.

(4) **STATE PLAN DEVELOPMENT.**—The Council shall develop the State plan and submit the State plan to the Secretary after consultation with the designated State agency under the State plan. Such consultation shall be solely for the purposes of obtaining State assurances and ensuring consistency of the plan with State law.

(5) **STATE PLAN IMPLEMENTATION.**—

(A) **IN GENERAL.**—The Council shall implement the State plan by conducting and supporting advocacy, capacity building, and systemic change activities such as those described in subparagraphs (B) through (L).

(B) **OUTREACH.**—The Council may support and conduct outreach activities to identify individuals with developmental disabilities and their families who otherwise might not come to the attention of the Council and assist and enable the individuals and families to obtain services, individualized supports, and other forms of assistance, including access to special adaptation of generic community services or specialized services.

(C) **TRAINING.**—The Council may support and conduct training for persons who are individuals with developmental disabilities,

their families, and personnel (including professionals, paraprofessionals, students, volunteers, and other community members) to enable such persons to obtain access to, or to provide, community services, individualized supports, and other forms of assistance, including special adaptation of generic community services or specialized services for individuals with developmental disabilities and their families. To the extent that the Council supports or conducts training activities under this subparagraph, such activities shall contribute to the achievement of the purpose of this subtitle.

(D) TECHNICAL ASSISTANCE.—The Council may support and conduct technical assistance activities to assist public and private entities to contribute to the achievement of the purpose of this subtitle.

(E) SUPPORTING AND EDUCATING COMMUNITIES.—The Council may support and conduct activities to assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families—

(i) by encouraging local networks to provide informal and formal supports;

(ii) through education; and

(iii) by enabling neighborhoods and communities to offer such individuals and their families access to and use of services, resources, and opportunities.

(F) INTERAGENCY COLLABORATION AND COORDINATION.—The Council may support and conduct activities to promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.

(G) COORDINATION WITH RELATED COUNCILS, COMMITTEES, AND PROGRAMS.—The Council may support and conduct activities to enhance coordination of services with—

(i) other councils, entities, or committees, authorized by Federal or State law, concerning individuals with disabilities (such as the State interagency coordinating council established under subtitle C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), the State Rehabilitation Council and the Statewide Independent Living Council established under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the State mental health planning council established under subtitle B of title XIX of the Public Health Service Act (42 U.S.C. 300x-1 et seq.), and the activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), and entities carrying out other similar councils, entities, or committees);

(ii) parent training and information centers under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) and other entities carrying out federally funded projects that assist parents of children with disabilities; and

(iii) other groups interested in advocacy, capacity building, and systemic change activities to benefit individuals with disabilities.

(H) BARRIER ELIMINATION, SYSTEMS DESIGN AND REDESIGN.—The Council may support and conduct activities to eliminate barriers to assess and use of community services by individuals with developmental disabilities, enhance systems design and redesign, and enhance citizen participation to address issues identified in the State plan.

(I) COALITION DEVELOPMENT AND CITIZEN PARTICIPATION.—The Council may support and conduct activities to educate the public about the capabilities, preferences, and needs of individuals with developmental disabilities and their families and to develop and support coalitions that support the policy agenda of the Council, including training

in self-advocacy, education of policymakers, and citizen leadership skills.

(J) INFORMING POLICYMAKERS.—The Council may support and conduct activities to provide information to policymakers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations. The Council may provide the information directly to Federal, State, and local policymakers, including Congress, the Federal executive branch, the Governors, State legislatures, and State agencies, in order to increase the ability of such policymakers to offer opportunities and to enhance or adapt generic services to meet the needs of, or provide specialized services to, individuals with developmental disabilities and their families.

(K) DEMONSTRATION OF NEW APPROACHES TO SERVICES AND SUPPORTS.—

(i) IN GENERAL.—The Council may support and conduct, on a time-limited basis, activities to demonstrate new approaches to serving individuals with developmental disabilities that are a part of an overall strategy for systemic change. The strategy may involve the education of policymakers and the public about how to deliver effectively, to individuals with developmental disabilities and their families, services, supports, and assistance that contribute to the achievement of the purpose of this subtitle.

(ii) SOURCES OF FUNDING.—The Council may carry out this subparagraph by supporting and conducting demonstration activities through sources of funding other than funding provided under this subtitle, and by assisting entities conducting demonstration activities to develop strategies for securing funding from other sources.

(L) OTHER ACTIVITIES.—The Council may support and conduct other advocacy, capacity building, and systemic change activities to promote the development of a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this subtitle.

(6) REVIEW OF DESIGNATED STATE AGENCY.—The Council shall periodically review the designated State agency and activities carried out under this subtitle by the designated State agency and make any recommendations for change to the Governor.

(7) REPORTS.—Beginning in fiscal year 2001, the Council shall annually prepare and transmit to the Secretary a report. Each report shall be in a form prescribed by the Secretary by regulation under section 104(b). Each report shall contain information about the progress made by the Council in achieving the goals of the Council (as specified in section 124(c)(4)), including—

(A) a description of the extent to which the goals were achieved;

(B) a description of the strategies that contributed to achieving the goals;

(C) to the extent to which the goals were not achieved, a description of factors that impeded the achievement;

(D) separate information on the self-advocacy goal described in section 124(c)(4)(A)(ii);

(E)(i) as appropriate, an update on the results of the comprehensive review and analysis described in section 124(c)(3); and

(ii) information on consumer satisfaction with Council supported or conducted activities;

(F)(i) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities in Intermediate Care Facilities (Mental Retardation) receive; and

(ii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)) receive;

(G) an accounting of the manner in which funds paid to the State under this subtitle for a fiscal year were expended;

(H) a description of—

(i) resources made available to carry out activities to assist individuals with developmental disabilities that are directly attributable to Council actions; and

(ii) resources made available for such activities that are undertaken by the Council in collaboration with other entities; and

(I) a description of the method by which the Council will widely disseminate the annual report to affected constituencies and the general public and will assure that the report is available in accessible formats.

(8) BUDGET.—Each Council shall prepare, approve, and implement a budget using amounts paid to the State under this subtitle to fund and implement all programs, projects, and activities carried out under this subtitle, including—

(A)(i) conducting such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council; and

(ii) as determined in Council policy—

(I) reimbursing members of the Council for reasonable and necessary expenses (including expenses for child care and personal assistance services) for attending Council meetings and performing Council duties;

(II) paying a stipend to a member of the Council, if such member is not employed or must forfeit wages from other employment, to attend Council meetings and perform other Council duties;

(III) supporting Council member and staff travel to authorized training and technical assistance activities including in-service training and leadership development activities; and

(IV) carrying out appropriate subcontracting activities;

(B) hiring and maintaining such numbers and types of staff (qualified by training and experience) and obtaining the services of such professional, consulting, technical, and clerical staff (qualified by training and experience), consistent with State law, as the Council determines to be necessary to carry out the functions of the Council under this subtitle, except that such State shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the Council, to the extent that such policies would impact the staff or functions funded with Federal funds, or would prevent the Council from carrying out the functions of the Council under this subtitle; and

(C) directing the expenditure of funds for grants, contracts, interagency agreements that are binding contracts, and other activities authorized by the State plan approved under section 124.

(9) STAFF HIRING AND SUPERVISION.—The Council shall, consistent with State law, recruit and hire a Director of the Council, should the position of Director become vacant, and supervise and annually evaluate the Director. The Director shall hire, supervise, and annually evaluate the staff of the Council. Council recruitment, hiring, and dismissal of staff shall be conducted in a manner consistent with Federal and State nondiscrimination laws. Dismissal of personnel shall be conducted in a manner consistent with State law and personnel policies.

(10) STAFF ASSIGNMENTS.—The staff of the Council, while working for the Council, shall

be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and shall not be assigned duties by the designated State agency or any other agency or entity of the State.

(1) CONSTRUCTION.—Nothing in this title shall be construed to authorize a Council to direct, control, or exercise any policymaking authority or administrative authority over any program assisted under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) DESIGNATED STATE AGENCY.—

(1) IN GENERAL.—Each State that receives assistance under this subtitle shall designate a State agency that shall, on behalf of the State, provide support to the Council. After the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994 (Public Law 103-230), any designation of a State agency under this paragraph shall be made in accordance with the requirements of this subsection.

(2) DESIGNATION.—

(A) TYPE OF AGENCY.—Except as provided in this subsection, the designated State agency shall be—

(i) the Council if such Council may be the designated State agency under the laws of the State;

(ii) a State agency that does not provide or pay for services for individuals with developmental disabilities; or

(iii) a State office, including the immediate office of the Governor of the State or a State planning office.

(B) CONDITIONS FOR CONTINUATION OF STATE SERVICE AGENCY DESIGNATION.—

(i) DESIGNATION BEFORE ENACTMENT.—If a State agency that provides or pays for services for individuals with developmental disabilities was a designated State agency for purposes of part B of the Developmental Disabilities Assistance and Bill of Rights Act on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, and the Governor of the State (or the legislature, where appropriate and in accordance with State law) determines prior to June 30, 1994, not to change the designation of such agency, such agency may continue to be a designated State agency for purposes of this subtitle.

(ii) CRITERIA FOR CONTINUED DESIGNATION.—The determination, at the discretion of the Governor (or the legislature, as the case may be), shall be made after—

(I) the Governor has considered the comments and recommendations of the general public and a majority of the non-State agency members of the Council with respect to the designation of such State agency; and

(II) the Governor (or the legislature, as the case may be) has made an independent assessment that the designation of such agency will not interfere with the budget, personnel, priorities, or other action of the Council, and the ability of the Council to serve as an independent advocate for individuals with developmental disabilities.

(C) REVIEW OF DESIGNATION.—The Council may request a review of and change in the designation of the designated State agency by the Governor (or the legislature, as the case may be). The Council shall provide documentation concerning the reason the Council desires a change to be made and make a recommendation to the Governor (or the legislature, as the case may be) regarding a preferred designated State agency.

(D) APPEAL OF DESIGNATION.—After the review is completed under subparagraph (C), a majority of the non-State agency members of the Council may appeal to the Secretary for a review of and change in the designation of the designated State agency if the ability of the Council to serve as an independent ad-

vocate is not assured because of the actions or inactions of the designated State agency.

(3) RESPONSIBILITIES.—

(A) IN GENERAL.—The designated State agency shall, on behalf of the State, have the responsibilities described in subparagraphs (B) through (G).

(B) SUPPORT SERVICES.—The designated State agency shall provide required assurances and support services as requested by and negotiated with the Council.

(C) FISCAL RESPONSIBILITIES.—The designated State agency shall—

(i) receive, account for, and disburse funds under this subtitle based on the State plan required in section 124; and

(ii) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds paid to the State under this subtitle.

(D) RECORDS, ACCESS, AND FINANCIAL REPORTS.—The designated State agency shall keep and provide access to such records as the Secretary and the Council may determine to be necessary. The designated State agency, if other than the Council, shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, and liquidation by the agency or the Council, and the use of the Federal and non-Federal shares described in section 126, by the agency or the Council.

(E) NON-FEDERAL SHARE.—The designated State agency, if other than the Council, shall provide the required non-Federal share described in section 126(c).

(F) ASSURANCES.—The designated State agency shall assist the Council in obtaining the appropriate State plan assurances and in ensuring that the plan is consistent with State law.

(G) MEMORANDUM OF UNDERSTANDING.—On the request of the Council, the designated State agency shall enter into a memorandum of understanding with the Council delineating the roles and responsibilities of the designated State agency.

(4) USE OF FUNDS FOR DESIGNATED STATE AGENCY RESPONSIBILITIES.—

(A) CONDITION FOR FEDERAL FUNDING.—

(i) IN GENERAL.—The Secretary shall provide amounts to a State under section 124(c)(5)(B)(vi) for a fiscal year only if the State expends an amount from State sources for carrying out the responsibilities of the designated State agency under paragraph (3) for the fiscal year that is not less than the total amount the State expended from such sources for carrying out similar responsibilities for the previous fiscal year.

(ii) EXCEPTION.—Clause (i) shall not apply in a year in which the Council is the designated State agency.

(B) SUPPORT SERVICES PROVIDED BY OTHER AGENCIES.—With the agreement of the designated State agency, the Council may use or contract with agencies other than the designated State agency to perform the functions of the designated State agency.

SEC. 126. FEDERAL AND NON-FEDERAL SHARE.

(a) AGGREGATE COST.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of all projects in a State supported by an allotment to the State under this subtitle may not be more than 75 percent of the aggregate necessary cost of such projects, as determined by the Secretary.

(2) URBAN OR RURAL POVERTY AREAS.—In the case of projects whose activities or products target individuals with developmental disabilities who live in urban or rural poverty areas, as determined by the Secretary, the Federal share of the cost of all such projects may not be more than 90 percent of the aggregate necessary cost of such projects, as determined by the Secretary.

(3) STATE PLAN ACTIVITIES.—In the case of projects undertaken by the Council or Council staff to implement State plan activities, the Federal share of the cost of all such projects may be not more than 100 percent of the aggregate necessary cost of such activities.

(b) NONDUPLICATION.—In determining the amount of any State's Federal share of the cost of such projects incurred by such State under a State plan approved under section 124, the Secretary shall not consider—

(1) any portion of such cost that is financed by Federal funds provided under any provision of law other than section 122; and

(2) the amount of any non-Federal funds required to be expended as a condition of receipt of the Federal funds described in paragraph (1).

(c) NON-FEDERAL SHARE.—

(1) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of any project supported by an allotment under this subtitle may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

(2) CONTRIBUTIONS OF POLITICAL SUBDIVISIONS AND PUBLIC OR PRIVATE ENTITIES.—

(A) IN GENERAL.—Contributions to projects by a political subdivision of a State or by a public or private entity under an agreement with the State shall, subject to such limitations and conditions as the Secretary may by regulation prescribe under section 104(b), be considered to be contributions by such State, in the case of a project supported under this subtitle.

(B) STATE CONTRIBUTIONS.—State contributions, including contributions by the designated State agency to provide support services to the Council pursuant to section 125(d)(4), may be counted as part of such State's non-Federal share of the cost of projects supported under this subtitle.

(3) VARIATIONS OF THE NON-FEDERAL SHARE.—The non-Federal share required of each recipient of a grant from a Council under this subtitle may vary.

SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES.

Whenever the Secretary, after providing reasonable notice and an opportunity for a hearing to the Council and the designated State agency, finds that—

(1) the Council or agency has failed to comply substantially with any of the provisions required by section 124 to be included in the State plan, particularly provisions required by paragraphs (4)(A) and (5)(B)(vii) of section 124(c), or with any of the provisions required by section 125(b)(3); or

(2) the Council or agency has failed to comply substantially with any regulations of the Secretary that are applicable to this subtitle,

the Secretary shall notify such Council and agency that the Secretary will not make further payments to the State under section 122 (or, in the discretion of the Secretary, that further payments to the State under section 122 for activities for which there is such failure), until the Secretary is satisfied that there will no longer be such failure. Until the Secretary is so satisfied, the Secretary shall make no further payments to the State under section 122, or shall limit further payments under section 122 to such State to activities for which there is no such failure.

SEC. 128. APPEALS BY STATES.

(a) APPEAL.—If any State is dissatisfied with the Secretary's action under section 124(d)(3) or 127, such State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court not later than 60 days after such action.

(b) FILING.—The clerk of the court shall transmit promptly a copy of the petition to the Secretary, or any officer designated by the Secretary for that purpose. The Secretary shall file promptly with the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

(c) JURISDICTION.—Upon the filing of the petition, the court shall have jurisdiction to affirm the action of the Secretary or to set the action aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside the order of the Secretary relating to the action.

(d) FINDINGS AND REMAND.—The findings of the Secretary about the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case involved to the Secretary for further proceedings to take further evidence. On remand, the Secretary may make new or modified findings of fact and may modify the previous action of the Secretary, and shall file with the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(e) FINALITY.—The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(f) EFFECT.—The commencement of proceedings under this section shall not, unless so specifically ordered by a court, operate as a stay of the Secretary's action.

SEC. 129. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING FOR STATE ALLOTMENTS.—Except as described in subsection (b), there are authorized to be appropriated for allotments under section 122 \$76,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2006.

(b) RESERVATION FOR TECHNICAL ASSISTANCE.—

(1) LOWER APPROPRIATION YEARS.—For any fiscal year for which the amount appropriated under subsection (a) is less than \$76,000,000, the Secretary shall reserve funds in accordance with section 163(c) to provide technical assistance to entities funded under this subtitle.

(2) HIGHER APPROPRIATION YEARS.—For any fiscal year for which the amount appropriated under subsection (a) is not less than \$76,000,000, the Secretary shall reserve not less than \$300,000 and not more than 1 percent of the amount appropriated under subsection (a) to provide technical assistance to entities funded under this subtitle.

Subtitle C—Protection and Advocacy of Individual Rights

SEC. 141. PURPOSE.

The purpose of this subtitle is to provide for allotments to support a protection and advocacy system (referred to in this subtitle as a "system") in each State to protect the legal and human rights of individuals with developmental disabilities in accordance with this subtitle.

SEC. 142. ALLOTMENTS AND PAYMENTS.

(a) ALLOTMENTS.—

(1) IN GENERAL.—To assist States in meeting the requirements of section 143(a), the Secretary shall allot to the States the amounts appropriated under section 145 and not reserved under paragraph (6). Allotments and reallocations of such sums shall be made on the same basis as the allotments and reallocations are made under subsections (a)(1)(A) and (e) of section 122, except as provided in paragraph (2).

(2) MINIMUM ALLOTMENTS.—In any case in which—

(A) the total amount appropriated under section 145 for a fiscal year is not less than \$20,000,000, the allotment under paragraph (1) for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than \$107,000; and

(ii) to any State not described in clause (i) may not be less than \$200,000; or

(B) the total amount appropriated under section 145 for a fiscal year is less than \$20,000,000, the allotment under paragraph (1) for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than \$80,000; and

(ii) to any State not described in clause (i) may not be less than \$150,000.

(3) REDUCTION OF ALLOTMENT.—Notwithstanding paragraphs (1) and (2), if the aggregate of the amounts to be allotted to the States pursuant to such paragraphs for any fiscal year exceeds the total amount appropriated for such allotments under section 145 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

(4) INCREASE IN ALLOTMENTS.—In any year in which the total amount appropriated under section 145 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in subparagraphs (A) and (B) of paragraph (2). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 145 for the fiscal year for which the increase in the minimum allotment is being made; minus

(B) the total amount appropriated under section 145 (or a corresponding provision) for the immediately preceding fiscal year, bears to the total amount appropriated under section 145 (or a corresponding provision) for such preceding fiscal year.

(5) MONITORING THE ADMINISTRATION OF THE SYSTEM.—In a State in which the system is housed in a State agency, the State may use not more than 5 percent of any allotment under this subsection for the costs of monitoring the administration of the system required under section 143(a).

(6) TECHNICAL ASSISTANCE AND AMERICAN INDIAN CONSORTIUM.—In any case in which the total amount appropriated under section 145 for a fiscal year is more than \$24,500,000, the Secretary shall—

(A) use not more than 2 percent of the amount appropriated to provide technical assistance to eligible systems with respect to activities carried out under this subtitle (consistent with requests by such systems for such assistance for the year); and

(B) provide a grant in accordance with section 143(b), and in an amount described in paragraph (2)(A)(i), to an American Indian consortium to provide protection and advocacy services.

(b) PAYMENT TO SYSTEMS.—Notwithstanding any other provision of law, the Secretary shall pay directly to any system in a State that complies with the provisions of

this subtitle the amount of the allotment made for the State under this section, unless the system specifies otherwise.

(c) UNOBLIGATED FUNDS.—Any amount paid to a system under this subtitle for a fiscal year and remaining unobligated at the end of such year shall remain available to such system for the next fiscal year, for the purposes for which such amount was paid.

SEC. 143. SYSTEM REQUIRED.

(a) SYSTEM REQUIRED.—In order for a State to receive an allotment under subtitle B or this subtitle—

(1) the State shall have in effect a system to protect and advocate the rights of individuals with developmental disabilities;

(2) such system shall—

(A) have the authority to—

(i) pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to members of ethnic and racial minority groups; and

(ii) provide information on and referral to programs and services addressing the needs of individuals with developmental disabilities;

(B) have the authority to investigate incidents of abuse and neglect of individuals with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

(C) on an annual basis, develop, submit to the Secretary, and take action with regard to goals (each of which is related to 1 or more areas of emphasis) and priorities, developed through data driven strategic planning, for the system's activities;

(D) on an annual basis, provide to the public, including individuals with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical and mental impairment, and their representatives, and as appropriate, non-State agency representatives of the State Councils on Developmental Disabilities, and Centers, in the State, an opportunity to comment on—

(i) the goals and priorities established by the system and the rationale for the establishment of such goals; and

(ii) the activities of the system, including the coordination of services with the entities carrying out advocacy programs under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), and with entities carrying out other related programs, including the parent training and information centers funded under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012);

(E) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with developmental disabilities have full access to services of the system;

(F) not be administered by the State Council on Developmental Disabilities;

(G) be independent of any agency that provides treatment, services, or habilitation to individuals with developmental disabilities;

(H) have access at reasonable times to any individual with a developmental disability in a location in which services, supports, and other assistance are provided to such an individual, in order to carry out the purpose of this subtitle;

(I) have access to all records of—

(i) any individual with a developmental disability who is a client of the system if such individual, or the legal guardian, conservator, or other legal representative of such individual, has authorized the system to have such access;

(ii) any individual with a developmental disability, in a situation in which—

(I) the individual, by reason of such individual's mental or physical condition, is unable to authorize the system to have such access;

(II) the individual does not have a legal guardian, conservator, or other legal representative, or the legal guardian of the individual is the State; and

(III) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect; and

(iii) any individual with a developmental disability, in a situation in which—

(I) the individual has a legal guardian, conservator, or other legal representative;

(II) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect;

(III) such representative has been contacted by such system, upon receipt of the name and address of such representative;

(IV) such system has offered assistance to such representative to resolve the situation; and

(V) such representative has failed or refused to act on behalf of the individual;

(J)(i) have access to the records of individuals described in subparagraphs (B) and (I), and other records that are relevant to conducting an investigation, under the circumstances described in those subparagraphs, not later than 3 business days after the system makes a written request for the records involved; and

(ii) have immediate access, not later than 24 hours after the system makes such a request, to the records without consent from another party, in a situation in which services, supports, and other assistance are provided to an individual with a developmental disability—

(I) if the system determines there is probable cause to believe that the health or safety of the individual is in serious and immediate jeopardy; or

(II) in any case of death of an individual with a developmental disability;

(K) hire and maintain sufficient numbers and types of staff (qualified by training and experience) to carry out such system's functions, except that the State involved shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the system, to the extent that such policies would impact the staff or functions of the system funded with Federal funds or would prevent the system from carrying out the functions of the system under this subtitle;

(L) have the authority to educate policy-makers; and

(M) provide assurances to the Secretary that funds allotted to the State under section 142 will be used to supplement, and not supplant, the non-Federal funds that would otherwise be made available for the purposes for which the allotted funds are provided;

(3) to the extent that information is available, the State shall provide to the system—

(A) a copy of each independent review, pursuant to section 1902(a)(30)(C) of the Social

Security Act (42 U.S.C. 1396a(a)(30)(C)), of an Intermediate Care Facility (Mental Retardation) within the State, not later than 30 days after the availability of such a review; and

(B) information about the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive; and

(4) the agency implementing the system shall not be redesignated unless—

(A) there is good cause for the redesignation;

(B) the State has given the agency notice of the intention to make such redesignation, including notice regarding the good cause for such redesignation, and given the agency an opportunity to respond to the assertion that good cause has been shown;

(C) the State has given timely notice and an opportunity for public comment in an accessible format to individuals with developmental disabilities or their representatives; and

(D) the system has an opportunity to appeal the redesignation to the Secretary, on the basis that the redesignation was not for good cause.

(b) AMERICAN INDIAN CONSORTIUM.—Upon application to the Secretary, an American Indian consortium established to provide protection and advocacy services under this subtitle, shall receive funding pursuant to section 142(a)(6) to provide the services. Such consortium shall be considered to be a system for purposes of this subtitle and shall coordinate the services with other systems serving the same geographic area. The tribal council that designates the consortium shall carry out the responsibilities and exercise the authorities specified for a State in this subtitle, with regard to the consortium.

(c) RECORD.—In this section, the term "record" includes—

(1) a report prepared or received by any staff at any location at which services, supports, or other assistance is provided to individuals with developmental disabilities;

(2) a report prepared by an agency or staff person charged with investigating reports of incidents of abuse or neglect, injury, or death occurring at such location, that describes such incidents and the steps taken to investigate such incidents; and

(3) a discharge planning record.

SEC. 144. ADMINISTRATION.

(a) GOVERNING BOARD.—In a State in which the system described in section 143 is organized as a private nonprofit entity with a multimember governing board, or a public system with a multimember governing board, such governing board shall be selected according to the policies and procedures of the system, except that—

(1)(A) the governing board shall be composed of members who broadly represent or are knowledgeable about the needs of the individuals served by the system;

(B) a majority of the members of the board shall be—

(i) individuals with disabilities, including individuals with developmental disabilities, who are eligible for services, or have received or are receiving services through the system; or

(ii) parents, family members, guardians, advocates, or authorized representatives of individuals referred to in clause (i); and

(C) the board may include a representative of the State Council on Developmental Disabilities, the Centers in the State, and the self-advocacy organization described in section 124(c)(4)(A)(ii)(I);

(2) not more than 1/3 of the members of the governing board may be appointed by the

chief executive officer of the State involved, in the case of any State in which such officer has the authority to appoint members of the board;

(3) the membership of the governing board shall be subject to term limits set by the system to ensure rotating membership;

(4) any vacancy in the board shall be filled not later than 60 days after the date on which the vacancy occurs; and

(5) in a State in which the system is organized as a public system without a multimember governing or advisory board, the system shall establish an advisory council—

(A) that shall advise the system on policies and priorities to be carried out in protecting and advocating the rights of individuals with developmental disabilities; and

(B) on which a majority of the members shall be—

(i) individuals with developmental disabilities who are eligible for services, or have received or are receiving services, through the system; or

(ii) parents, family members, guardians, advocates, or authorized representatives of individuals referred to in clause (i).

(b) LEGAL ACTION.—

(1) IN GENERAL.—Nothing in this title shall preclude a system from bringing a suit on behalf of individuals with developmental disabilities against a State, or an agency or instrumentality of a State.

(2) USE OF AMOUNTS FROM JUDGMENT.—An amount received pursuant to a suit described in paragraph (1) through a court judgment may only be used by the system to further the purpose of this subtitle and shall not be used to augment payments to legal contractors or to award personal bonuses.

(3) LIMITATION.—The system shall use assistance provided under this subtitle in a manner consistent with section 5 of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14404).

(c) DISCLOSURE OF INFORMATION.—For purposes of any periodic audit, report, or evaluation required under this subtitle, the Secretary shall not require an entity carrying out a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

(d) PUBLIC NOTICE OF FEDERAL ONSITE REVIEW.—The Secretary shall provide advance public notice of any Federal programmatic or administrative onsite review of a system conducted under this subtitle and solicit public comment on the system through such notice. The Secretary shall prepare an onsite visit report containing the results of such review, which shall be distributed to the Governor of the State and to other interested public and private parties. The comments received in response to the public comment solicitation notice shall be included in the onsite visit report.

(e) REPORTS.—Beginning in fiscal year 2001, each system established in a State pursuant to this subtitle shall annually prepare and transmit to the Secretary a report that describes the activities, accomplishments, and expenditures of the system during the preceding fiscal year, including a description of the system's goals, the extent to which the goals were achieved, barriers to their achievement, the process used to obtain public input, the nature of such input, and how such input was used.

SEC. 145. AUTHORIZATION OF APPROPRIATIONS.

For allotments under section 142, there are authorized to be appropriated \$32,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2006.

Subtitle D—National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

SEC. 151. GRANT AUTHORITY.

(a) NATIONAL NETWORK.—From appropriations authorized under section 156(a)(1), the Secretary shall make 5-year grants to entities in each State designated as University Centers for Excellence in Developmental Disabilities Education, Research, and Service to carry out activities described in section 153(a).

(b) NATIONAL TRAINING INITIATIVES.—From appropriations authorized under section 156(a)(1) and reserved under section 156(a)(2), the Secretary shall make grants to Centers to carry out activities described in section 153(b).

(c) TECHNICAL ASSISTANCE.—From appropriations authorized under section 156(a)(1) and reserved under section 156(a)(3) (or from funds reserved under section 163, as appropriate), the Secretary shall enter into 1 or more cooperative agreements or contracts for the purpose of providing technical assistance described in section 153(c).

SEC. 152. GRANT AWARDS.

(a) EXISTING CENTERS.—

(1) IN GENERAL.—In awarding and distributing grant funds under section 151(a) for a fiscal year, the Secretary, subject to the availability of appropriations and the condition specified in subsection (d), shall award and distribute grant funds in equal amounts of \$500,000 (adjusted in accordance with subsection (b)), to each Center that existed during the preceding fiscal year and that meets the requirements of this subtitle, prior to making grants under subsection (c) or (d).

(2) REDUCTION OF AWARD.—Notwithstanding paragraph (1), if the aggregate of the funds to be awarded to the Centers pursuant to paragraph (1) for any fiscal year exceeds the total amount appropriated under section 156 for such fiscal year, the amount to be awarded to each Center for such fiscal year shall be proportionately reduced.

(b) ADJUSTMENTS.—Subject to the availability of appropriations, for any fiscal year following a year in which each Center described in subsection (a) received a grant award of not less than \$500,000 under subsection (a) (adjusted in accordance with this subsection), the Secretary shall adjust the awards to take into account the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), prior to making grants under subsection (c) or (d).

(c) NATIONAL TRAINING INITIATIVES ON CRITICAL AND EMERGING NEEDS.—Subject to the availability of appropriations, for any fiscal year in which each Center described in subsection (a) receives a grant award of not less than \$500,000, under subsection (a) (adjusted in accordance with subsection (b)), after making the grant awards, the Secretary shall make grants under section 151(b) to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families, as described in section 153(b).

(d) ADDITIONAL GRANTS.—For any fiscal year in which each Center described in subsection (a) receives a grant award of not less than \$500,000 under subsection (a) (adjusted in accordance with subsection (b)), after making the grant awards, the Secretary may make grants under section 151(a) for activities described in section 153(a) to additional Centers, or additional grants to Centers, for States or populations that are unserved or underserved by Centers due to such factors as—

- (1) population;
- (2) a high concentration of rural or urban areas; or
- (3) a high concentration of unserved or underserved populations.

SEC. 153. PURPOSE AND SCOPE OF ACTIVITIES.

(a) NATIONAL NETWORK OF UNIVERSITY CENTERS FOR EXCELLENCE IN DEVELOPMENTAL DISABILITIES EDUCATION, RESEARCH, AND SERVICE.—

(1) IN GENERAL.—In order to provide leadership in, advise Federal, State, and community policymakers about, and promote opportunities for individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life, the Secretary shall award grants to eligible entities designated as Centers in each State to pay for the Federal share of the cost of the administration and operation of the Centers. The Centers shall be interdisciplinary education, research, and public service units of universities (as defined by the Secretary) or public or not-for-profit entities associated with universities that engage in core functions, described in paragraph (2), addressing, directly or indirectly, 1 or more of the areas of emphasis.

(2) CORE FUNCTIONS.—The core functions referred to in paragraph (1) shall include the following:

(A) Provision of interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title.

(B) Provision of community services—

(i) that provide training or technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and

(ii) that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities.

(C) Conduct of research, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively or negatively, individuals with developmental disabilities and their families.

(D) Dissemination of information related to activities undertaken to address the purpose of this title, especially dissemination of information that demonstrates that the network authorized under this subtitle is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances.

(b) NATIONAL TRAINING INITIATIVES ON CRITICAL AND EMERGING NEEDS.—

(1) SUPPLEMENTAL GRANTS.—After consultation with relevant, informed sources, including individuals with developmental disabilities and their families, the Secretary shall award, under section 151(b), supplemental grants to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families. The Secretary shall make the grants on a competitive basis, and for periods of not more than 5 years.

(2) ESTABLISHMENT OF CONSULTATION PROCESS BY THE SECRETARY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a consultation process that, on an ongoing basis, allows the Secretary to identify and address, through supplemental grants authorized under paragraph (1), training initiatives related to the

unmet needs of individuals with developmental disabilities and their families.

(c) TECHNICAL ASSISTANCE.—In order to strengthen and support the national network of Centers, the Secretary may enter into 1 or more cooperative agreements or contracts to—

(1) assist in national and international dissemination of specific information from multiple Centers and, in appropriate cases, other entities whose work affects the lives of individuals with developmental disabilities;

(2) compile, analyze, and disseminate state-of-the-art training, research, and demonstration results policies, and practices from multiple Centers and, in appropriate cases, other entities whose work affects the lives of persons with developmental disabilities;

(3) convene experts from multiple Centers to discuss and make recommendations with regard to national emerging needs of individuals with developmental disabilities;

(4)(A) develop portals that link users with every Center's website; and

(B) facilitate electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio/video broadcasts, on emerging topics that impact individuals with disabilities and their families;

(5) serve as a research-based resource for Federal and State policymakers on information concerning and issues impacting individuals with developmental disabilities and entities that assist or serve those individuals; or

(6) undertake any other functions that the Secretary determines to be appropriate; to promote the viability and use of the resources and expertise of the Centers nationally and internationally.

SEC. 154. APPLICATIONS.

(a) APPLICATIONS FOR CORE CENTER GRANTS.—

(1) IN GENERAL.—To be eligible to receive a grant under section 151(a) for a Center, an entity shall submit to the Secretary, and obtain approval of, an application at such time, in such manner, and containing such information, as the Secretary may require.

(2) APPLICATION CONTENTS.—Each application described in paragraph (1) shall describe a 5-year plan, including a projected goal related to 1 or more areas of emphasis for each of the core functions described in section 153(a).

(3) ASSURANCES.—The application shall be approved by the Secretary only if the application contains or is supported by reasonable assurances that the entity designated as the Center will—

(A) meet regulatory standards as established by the Secretary for Centers;

(B) address the projected goals, and carry out goal-related activities, based on data driven strategic planning and in a manner consistent with the objectives of this subtitle, that—

(i) are developed in collaboration with the consumer advisory committee established pursuant to subparagraph (E);

(ii) are consistent with, and to the extent feasible complement and further, the Council goals contained in the State plan submitted under section 124 and the system goals established under section 143; and

(iii) will be reviewed and revised annually as necessary to address emerging trends and needs;

(C) use the funds made available through the grant to supplement, and not supplant, the funds that would otherwise be made available for activities described in section 153(a);

(D) protect, consistent with the policy specified in section 101(c) (relating to rights

of individuals with developmental disabilities), the legal and human rights of all individuals with developmental disabilities (especially those individuals under State guardianship) who are involved in activities carried out under programs assisted under this subtitle;

(E) establish a consumer advisory committee—

(i) of which a majority of the members shall be individuals with developmental disabilities and family members of such individuals;

(ii) that is comprised of—

(I) individuals with developmental disabilities and related disabilities;

(II) family members of individuals with developmental disabilities;

(III) a representative of the State protection and advocacy system;

(IV) a representative of the State Council on Developmental Disabilities;

(V) a representative of a self-advocacy organization described in section 124(c)(4)(A)(ii)(I); and

(VI) representatives of organizations that may include parent training and information centers assisted under section 682 or 683 of the Individuals with Disabilities Education Act (20 U.S.C. 1482, 1483), entities carrying out activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), relevant State agencies, and other community groups concerned with the welfare of individuals with developmental disabilities and their families;

(iii) that reflects the racial and ethnic diversity of the State; and

(iv) that shall—

(I) consult with the Director of the Center regarding the development of the 5-year plan, and shall participate in an annual review of, and comment on, the progress of the Center in meeting the projected goals contained in the plan, and shall make recommendations to the Director of the Center regarding any proposed revisions of the plan that might be necessary; and

(II) meet as often as necessary to carry out the role of the committee, but at a minimum twice during each grant year;

(F) to the extent possible, utilize the infrastructure and resources obtained through funds made available under the grant to leverage additional public and private funds to successfully achieve the projected goals developed in the 5-year plan;

(G)(i) have a director with appropriate academic credentials, demonstrated leadership, expertise regarding developmental disabilities, significant experience in managing grants and contracts, and the ability to leverage public and private funds; and

(ii) allocate adequate staff time to carry out activities related to each of the core functions described in section 153(a); and

(H) educate, and disseminate information related to the purpose of this title to, the legislature of the State in which the Center is located, and to Members of Congress from such State.

(b) SUPPLEMENTAL GRANT APPLICATIONS PERTAINING TO NATIONAL TRAINING INITIATIVES IN CRITICAL AND EMERGING NEEDS.—To be eligible to receive a supplemental grant under section 151(b), a Center may submit a supplemental application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, pursuant to the terms and conditions set by the Secretary consistent with section 153(b).

(c) PEER REVIEW.—

(1) IN GENERAL.—The Secretary shall require that all applications submitted under this subtitle be subject to technical and qualitative review by peer review groups established under paragraph (2). The Secretary

may approve an application under this subtitle only if such application has been recommended by a peer review group that has conducted the peer review required under this paragraph. In conducting the review, the group may conduct onsite visits or inspections of related activities as necessary.

(2) ESTABLISHMENT OF PEER REVIEW GROUPS.—

(A) IN GENERAL.—The Secretary, acting through the Commissioner of the Administration on Developmental Disabilities, may, notwithstanding—

(i) the provisions of title 5, United States Code, concerning appointments to the competitive service; and

(ii) the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, concerning classification and General Schedule pay rates;

establish such peer review groups and appoint and set the rates of pay of members of such groups.

(B) COMPOSITION.—Each peer review group shall include such individuals with disabilities and parents, guardians, or advocates of or for individuals with developmental disabilities, as are necessary to carry out this subsection.

(3) WAIVERS OF APPROVAL.—The Secretary may waive the provisions of paragraph (1) with respect to review and approval of an application if the Secretary determines that exceptional circumstances warrant such a waiver.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of administration or operation of a Center, or the cost of carrying out a training initiative, supported by a grant made under this subtitle may not be more than 75 percent of the necessary cost of such project, as determined by the Secretary.

(2) URBAN OR RURAL POVERTY AREAS.—In the case of a project whose activities or products target individuals with developmental disabilities who live in an urban or rural poverty area, as determined by the Secretary, the Federal share of the cost of the project may not be more than 90 percent of the necessary costs of the project, as determined by the Secretary.

(3) GRANT EXPENDITURES.—For the purpose of determining the Federal share with respect to the project, expenditures on that project by a political subdivision of a State or by a public or private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe under section 104(b), be considered to be expenditures made by a Center under this subtitle.

(e) ANNUAL REPORT.—Each Center shall annually prepare and transmit to the Secretary a report containing—

(1) information on progress made in achieving the projected goals of the Center for the previous year, including—

(A) the extent to which the goals were achieved;

(B) a description of the strategies that contributed to achieving the goals;

(C) to the extent to which the goals were not achieved, a description of factors that impeded the achievement; and

(D) an accounting of the manner in which funds paid to the Center under this subtitle for a fiscal year were expended;

(2) information on proposed revisions to the goals; and

(3) a description of successful efforts to leverage funds, other than funds made available under this subtitle, to pursue goals consistent with this subtitle.

SEC. 155. DEFINITION.

In this subtitle, the term "State" means each of the several States of the United States, the District of Columbia, the Com-

monwealth of Puerto Rico, the United States Virgin Islands, and Guam.

SEC. 156. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION AND RESERVATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle (other than section 153(c)(4)) \$30,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2006.

(2) RESERVATION FOR TRAINING INITIATIVES.—From any amount appropriated for a fiscal year under paragraph (1) and remaining after each Center described in section 152(a) has received a grant award of not less than \$500,000, as described in section 152, the Secretary shall reserve funds for the training initiatives authorized under section 153(b).

(3) RESERVATION FOR TECHNICAL ASSISTANCE.—

(A) YEARS BEFORE APPROPRIATION TRIGGER.—For any covered year, the Secretary shall reserve funds in accordance with section 163(c) to fund technical assistance activities under section 153(c) (other than section 153(c)(4)).

(B) YEARS AFTER APPROPRIATION TRIGGER.—For any fiscal year that is not a covered year, the Secretary shall reserve not less than \$300,000 and not more than 2 percent of the amount appropriated under paragraph (1) to fund technical assistance activities under section 153(c) (other than section 153(c)(4)).

(C) COVERED YEAR.—In this paragraph, the term "covered year" means a fiscal year prior to the first fiscal year for which the amount appropriated under paragraph (1) is not less than \$20,000,000.

(b) LIMITATION.—The Secretary may not use, for peer review or other activities directly related to peer review conducted under this subtitle—

(1) for fiscal year 2000, more than \$300,000 of the funds made available under subsection (a); and

(2) for any succeeding fiscal year, more than the amount of funds used for the peer review and related activities in fiscal year 2000, adjusted to take into account the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase).

Subtitle E—Projects of National Significance

SEC. 161. PURPOSE.

The purpose of this subtitle is to provide grants, contracts, or cooperative agreements for projects of national significance that—

(1) create opportunities for individuals with developmental disabilities to directly and fully contribute to, and participate in, all facets of community life; and

(2) support the development of national and State policies that reinforce and promote, with the support of families, guardians, advocates, and communities, of individuals with developmental disabilities, the self-determination, independence, productivity, and integration and inclusion in all facets of community life of such individuals through—

(A) family support activities;

(B) data collection and analysis;

(C) technical assistance to entities funded under subtitles B and D, subject to the limitations described in sections 129(b), 156(a)(3), and 163(c); and

(D) other projects of sufficient size and scope that hold promise to expand or improve opportunities for such individuals, including—

(i) projects that provide technical assistance for the development of information and referral systems;

(ii) projects that provide technical assistance to self-advocacy organizations of individuals with developmental disabilities;

(iii) projects that provide education for policymakers;

(iv) Federal interagency initiatives;

(v) projects that enhance the participation of racial and ethnic minorities in public and private sector initiatives in developmental disabilities;

(vi) projects that provide aid to transition youth with developmental disabilities from school to adult life, especially in finding employment and postsecondary education opportunities and in upgrading and changing any assistive technology devices that may be needed as a youth matures;

(vii) initiatives that address the development of community quality assurance systems and the training related to the development, implementation, and evaluation of such systems, including training of individuals with developmental disabilities and their families;

(viii) initiatives that address the needs of aging individuals with developmental disabilities and aging caregivers of adults with developmental disabilities in the community;

(ix) initiatives that create greater access to and use of generic services systems, community organizations, and associations, and initiatives that assist in community economic development;

(x) initiatives that create access to increased living options;

(xi) initiatives that address the challenging behaviors of individuals with developmental disabilities, including initiatives that promote positive alternatives to the use of restraints and seclusion; and

(xii) initiatives that address other areas of emerging need.

SEC. 162. GRANT AUTHORITY.

(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public or private nonprofit entities for projects of national significance relating to individuals with developmental disabilities to carry out activities described in section 161(2).

(b) FEDERAL INTERAGENCY INITIATIVES.—

(1) IN GENERAL.—

(A) AUTHORITY.—The Secretary may—

(i) enter into agreements with Federal agencies to jointly carry out activities described in section 161(2) or to jointly carry out activities of common interest related to the objectives of such section; and

(ii) transfer to such agencies for such purposes funds appropriated under this subtitle, and receive and use funds from such agencies for such purposes.

(B) RELATION TO PROGRAM PURPOSES.—Funds transferred or received pursuant to this paragraph shall be used only in accordance with statutes authorizing the appropriation of such funds. Such funds shall be made available through grants, contracts, or cooperative agreements only to recipients eligible to receive such funds under such statutes.

(C) PROCEDURES AND CRITERIA.—If the Secretary enters into an agreement under this subsection for the administration of a jointly funded project—

(i) the agreement shall specify which agency's procedures shall be used to award grants, contracts, or cooperative agreements and to administer such awards;

(ii) the participating agencies may develop a single set of criteria for the jointly funded project, and may require applicants to submit a single application for joint review by such agencies; and

(iii) unless the heads of the participating agencies develop joint eligibility requirements, an applicant for an award for the project shall meet the eligibility requirements of each program involved.

(2) LIMITATION.—The Secretary may not construe the provisions of this subsection to take precedence over a limitation on joint funding contained in an applicable statute.

SEC. 163. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the projects specified in this section \$16,000,000 for fiscal year 2000, and such sums as may be necessary for each of fiscal years 2001 through 2006.

(b) USE OF FUNDS.—

(1) GRANTS, CONTRACTS, AND AGREEMENTS.—Except as provided in paragraph (2), the amount appropriated under subsection (a) for each fiscal year shall be used to award grants, or enter into contracts, cooperative agreements, or other agreements, under section 162.

(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of the amount appropriated under subsection (a) for each fiscal year may be used to provide for the administrative costs (other than compensation of Federal employees) of the Administration on Developmental Disabilities for administering this subtitle and subtitles B, C, and D, including monitoring the performance of and providing technical assistance to, entities that receive funds under this title.

(c) TECHNICAL ASSISTANCE FOR COUNCILS AND CENTERS.—

(1) IN GENERAL.—For each covered year, the Secretary shall expend, to provide technical assistance for entities funded under subtitle B or D, an amount from funds appropriated under subsection (a) that is not less than the amount the Secretary expended on technical assistance for entities funded under that subtitle (or a corresponding provision) in the previous fiscal year.

(2) COVERED YEAR.—In this subsection, the term "covered year" means—

(A) in the case of an expenditure for entities funded under subtitle B, a fiscal year for which the amount appropriated under section 129(a) is less than \$76,000,000; and

(B) in the case of an expenditure for entities funded under subtitle D, a fiscal year prior to the first fiscal year for which the amount appropriated under section 156(a)(1) is not less than \$20,000,000.

(3) REFERENCES.—References in this subsection to subtitle D shall not be considered to include section 153(c)(4).

(d) TECHNICAL ASSISTANCE ON ELECTRONIC INFORMATION SHARING.—In addition to any funds reserved under subsection (c), the Secretary shall reserve \$100,000 from the amount appropriated under subsection (a) for each fiscal year to carry out section 153(c)(4).

(e) LIMITATION.—For any fiscal year for which the amount appropriated under subsection (a) is not less than \$10,000,000, not more than 50 percent of such amount shall be used for activities carried out under section 161(2)(A).

TITLE II—FAMILY SUPPORT

SEC. 201. SHORT TITLE.

This title may be cited as the "Families of Children With Disabilities Support Act of 1999".

SEC. 202. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) It is in the best interest of our Nation to preserve, strengthen, and maintain the family.

(2) Families of children with disabilities provide support, care, and training to their children that can save States millions of dollars. Without the efforts of family caregivers, many persons with disabilities would receive care through State-supported out-of-home placements.

(3) Most families of children with disabilities, especially families in unserved and underserved populations, do not have access to

family-centered and family-directed services to support such families in their efforts to care for such children at home.

(4) Medical advances and improved health care have increased the life span of many people with disabilities, and the combination of the longer life spans and the aging of family caregivers places a continually increasing demand on the finite service delivery systems of the States.

(5) In 1996, 49 States provided family support initiatives in response to the needs of families of children with disabilities. Such initiatives included the provision of cash subsidies, respite care, and other forms of support. There is a need in each State, however, to strengthen, expand, and coordinate the activities of a system of family support services for families of children with disabilities that is easily accessible, avoids duplication, uses resources efficiently, and prevents gaps in services to families in all areas of the State.

(6) The goals of the Nation properly include the goal of providing to families of children with disabilities the family support services necessary—

(A) to support the family;

(B) to enable families of children with disabilities to nurture and enjoy their children at home;

(C) to enable families of children with disabilities to make informed choices and decisions regarding the nature of supports, resources, services, and other assistance made available to such families; and

(D) to support family caregivers of adults with disabilities.

(b) PURPOSES.—The purposes of this title are—

(1) to promote and strengthen the implementation of comprehensive State systems of family support services, for families with children with disabilities, that are family-centered and family-directed, and that provide families with the greatest possible decisionmaking authority and control regarding the nature and use of services and support;

(2) to promote leadership by families in planning, policy development, implementation, and evaluation of family support services for families of children with disabilities;

(3) to promote and develop interagency coordination and collaboration between agencies responsible for providing the services; and

(4) to increase the availability of, funding for, access to, and provision of family support services for families of children with disabilities.

(c) POLICY.—It is the policy of the United States that all programs, projects, and activities funded under this title shall be family-centered and family-directed, and shall be provided in a manner consistent with the goal of providing families of children with disabilities with the support the families need to raise their children at home.

SEC. 203. DEFINITIONS AND SPECIAL RULE.

(a) DEFINITIONS.—In this title:

(1) CHILD WITH A DISABILITY.—The term "child with a disability" means an individual who—

(A) has a significant physical or mental impairment, as defined pursuant to State policy to the extent that such policy is established without regard to type of disability; or

(B) is an infant or a young child from birth through age 8 and has a substantial developmental delay or specific congenital or acquired condition that presents a high probability of resulting in a disability if services are not provided to the infant or child.

(2) FAMILY.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of the application of this

title in a State, the term "family" has the meaning given the term by the State.

(B) EXCLUSION OF EMPLOYEES.—The term does not include an employee who, acting in a paid employment capacity, provides services to a child with a disability in an out-of-home setting such as a hospital, nursing home, personal care home, board and care home, group home, or other facility.

(3) FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.—The term "family support for families of children with disabilities" means supports, resources, services, and other assistance provided to families of children with disabilities pursuant to State policy that are designed to—

(A) support families in the efforts of such families to raise their children with disabilities in the home;

(B) strengthen the role of the family as primary caregiver for such children;

(C) prevent involuntary out-of-the-home placement of such children and maintain family unity; and

(D) reunite families with children with disabilities who have been placed out of the home, whenever possible.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(5) STATE.—The term "State" means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(6) SYSTEMS CHANGE ACTIVITIES.—The term "systems change activities" means efforts that result in laws, regulations, policies, practices, or organizational structures—

(A) that are family-centered and family-directed;

(B) that facilitate and increase access to, provision of, and funding for, family support services for families of children with disabilities; and

(C) that otherwise accomplish the purposes of this title.

(b) SPECIAL RULE.—References in this title to a child with a disability shall be considered to include references to an individual who is not younger than age 18 who—

(1) has a significant impairment described in subsection (a)(1)(A); and

(2) is residing with and receiving assistance from a family member.

SEC. 204. GRANTS TO STATES.

(a) IN GENERAL.—The Secretary shall make grants to States on a competitive basis, in accordance with the provisions of this title, to support systems change activities designed to assist States to develop and implement, or expand and enhance, a statewide system of family support services for families of children with disabilities that accomplishes the purposes of this title.

(b) AWARD PERIOD AND GRANT LIMITATION.—No grant shall be awarded under this section for a period of more than 3 years. No State shall be eligible for more than 1 grant under this section.

(c) AMOUNT OF GRANTS.—

(1) GRANTS TO STATES.—

(A) FEDERAL MATCHING SHARE.—From amounts appropriated under section 212(a), the Secretary shall pay to each State that has an application approved under section 205, for each year of the grant period, an amount that is—

(i) equal to not more than 75 percent of the cost of the systems change activities to be carried out by the State; and

(ii) not less than \$100,000 and not more than \$500,000.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of the systems change activities may be in cash or in kind, fairly

evaluated, including plant, equipment, or services.

(2) CALCULATION OF AMOUNTS.—The Secretary shall calculate a grant amount described in paragraph (1) on the basis of—

(A) the amounts available for making grants under this section; and

(B) the child population of the State concerned.

(d) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—For the second and third fiscal years for which amounts are appropriated to carry out this section, the Secretary, in providing payments under this section, shall give priority to States that received payments under this section during the preceding fiscal year.

(e) PRIORITIES FOR DISTRIBUTION.—To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

(1) is geographically equitable;

(2) distributes the grants among States that have differing levels of development of statewide systems of family support services for families of children with disabilities; and

(3) distributes the grants among States that attempt to meet the needs of unserved and underserved populations, such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, and individuals from underserved geographic areas (rural or urban).

SEC. 205. APPLICATION.

To be eligible to receive a grant under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including information about the designation of a lead entity, a description of available State resources, and assurances that systems change activities will be family-centered and family-directed.

SEC. 206. DESIGNATION OF THE LEAD ENTITY.

(a) DESIGNATION.—The Chief Executive Officer of a State that desires to receive a grant under section 204, shall designate the office or entity (referred to in this title as the "lead entity") responsible for—

(1) submitting the application described in section 205 on behalf of the State;

(2) administering and supervising the use of the amounts made available under the grant;

(3) coordinating efforts related to and supervising the preparation of the application;

(4) coordinating the planning, development, implementation (or expansion and enhancement), and evaluation of a statewide system of family support services for families of children with disabilities among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements;

(5) coordinating efforts related to the participation by families of children with disabilities in activities carried out under a grant made under this title; and

(6) submitting the report described in section 208 on behalf of the State.

(b) QUALIFICATIONS.—In designating the lead entity, the Chief Executive Officer may designate—

(1) an office of the Chief Executive Officer;

(2) a commission appointed by the Chief Executive Officer;

(3) a public agency;

(4) a council established under Federal or State law; or

(5) another appropriate office, agency, or entity.

SEC. 207. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—A State that receives a grant under section 204 shall use the funds

made available through the grant to carry out systems change activities that accomplish the purposes of this title.

(b) SPECIAL RULE.—In carrying out activities authorized under this title, a State shall ensure that such activities address the needs of families of children with disabilities from unserved or underserved populations.

SEC. 208. REPORTING.

A State that receives a grant under this title shall prepare and submit to the Secretary, at the end of the grant period, a report containing the results of State efforts to develop and implement, or expand and enhance, a statewide system of family support services for families of children with disabilities.

SEC. 209. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall enter into contracts or cooperative agreements with appropriate public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity, for the purpose of providing technical assistance and information with respect to the development and implementation, or expansion and enhancement, of a statewide system of family support services for families of children with disabilities.

(b) PURPOSE.—An agency or organization that provides technical assistance and information under this section in a State that receives a grant under this title shall provide the technical assistance and information to the lead entity of the State, family members of children with disabilities, organizations, service providers, and policymakers involved with children with disabilities and their families. Such an agency or organization may also provide technical assistance and information to a State that does not receive a grant under this title.

(c) REPORTS TO THE SECRETARY.—An entity providing technical assistance and information under this section shall prepare and submit to the Secretary periodic reports regarding Federal policies and procedures identified within the States that facilitate or impede the delivery of family support services to families of children with disabilities. The report shall include recommendations to the Secretary regarding the delivery of services, coordination with other programs, and integration of the policies described in section 202 in Federal law, other than this title.

SEC. 210. EVALUATION.

(a) IN GENERAL.—The Secretary shall conduct a national evaluation of the program of grants to States authorized by this title.

(b) PURPOSE.—

(1) IN GENERAL.—The Secretary shall conduct the evaluation under subsection (a) to assess the status and effects of State efforts to develop and implement, or expand and enhance, statewide systems of family support services for families of children with disabilities in a manner consistent with the provisions of this title. In particular, the Secretary shall assess the impact of such efforts on families of children with disabilities, and recommend amendments to this title that are necessary to assist States to accomplish fully the purposes of this title.

(2) INFORMATION SYSTEMS.—The Secretary shall work with the States to develop an information system designed to compile and report, from information provided by the States, qualitative and quantitative descriptions of the impact of the program of grants to States authorized by this title on—

(A) families of children with disabilities, including families from unserved and underserved populations;

(B) access to and funding for family support services for families of children with disabilities;

(C) interagency coordination and collaboration between agencies responsible for providing the services; and

(D) the involvement of families of children with disabilities at all levels of the statewide systems.

(c) REPORT TO CONGRESS.—Not later than 2½ years after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under this section.

SEC. 211. PROJECTS OF NATIONAL SIGNIFICANCE.

(a) STUDY BY THE SECRETARY.—The Secretary shall review Federal programs to determine the extent to which such programs facilitate or impede access to, provision of, and funding for family support services for families of children with disabilities, consistent with the policies described in section 202.

(b) PROJECTS OF NATIONAL SIGNIFICANCE.—The Secretary shall make grants or enter into contracts for projects of national significance to support the development of national and State policies and practices related to the development and implementation, or expansion and enhancement, of family-centered and family-directed systems of family support services for families of children with disabilities.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2000 through 2006.

(b) RESERVATION.—

(1) IN GENERAL.—The Secretary shall reserve for each fiscal year 10 percent, or \$400,000 (whichever is greater), of the amount appropriated pursuant to subsection (a) to carry out—

(A) section 209 (relating to the provision of technical assistance and information to States); and

(B) section 210 (relating to the conduct of evaluations).

(2) SPECIAL RULE.—For each year that the amount appropriated pursuant to subsection (a) is \$10,000,000 or greater, the Secretary may reserve 5 percent of such amount to carry out section 211.

TITLE III—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

SEC. 301. FINDINGS.

Congress finds that—

(1) direct support workers, especially young adults, have played essential roles in providing the support needed by individuals with developmental disabilities and expanding community options for those individuals;

(2) 4 factors have contributed to a decrease in the available pool of direct support workers, specifically—

(A) the small population of individuals who are age 18 through 25, an age group that has been attracted to direct support work in the past;

(B) the rapid expansion of the service sector, which attracts individuals who previously would have elected to pursue employment as direct support workers;

(C) the failure of wages in the human services sector to keep pace with wages in other service sectors; and

(D) the lack of quality training and career advancement opportunities available to direct support workers; and

(3) individuals with developmental disabilities benefit from assistance from direct support workers who are well trained, and benefit from receiving services from professionals who have spent time as direct support workers.

SEC. 302. DEFINITIONS.

In this title:

(1) DEVELOPMENTAL DISABILITY.—The term “developmental disability” has the meaning given the term in section 102.

(2) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

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

SEC. 303. REACHING UP SCHOLARSHIP PROGRAM.

(a) PROGRAM AUTHORIZATION.—The Secretary may award grants to eligible entities, on a competitive basis, to enable the entities to carry out scholarship programs by providing vouchers for postsecondary education to direct support workers who assist individuals with developmental disabilities residing in diverse settings. The Secretary shall award the grants to pay for the Federal share of the cost of providing the vouchers.

(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall be—

(1) an institution of higher education;

(2) a State agency; or

(3) a consortium of such institutions or agencies.

(c) APPLICATION REQUIREMENTS.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of—

(1) the basis for awarding the vouchers;

(2) the number of individuals to receive the vouchers; and

(3) the amount of funds that will be made available by the eligible entity to pay for the non-Federal share of the cost of providing the vouchers.

(d) SELECTION CRITERIA.—In awarding a grant under this section for a scholarship program, the Secretary shall give priority to an entity submitting an application that—

(1) specifies that individuals who receive vouchers through the program will be individuals—

(A) who are direct support workers who assist individuals with developmental disabilities residing in diverse settings, while pursuing postsecondary education; and

(B) each of whom verifies, prior to receiving the voucher, that the worker has completed 250 hours as a direct support worker in the past 90 days;

(2) states that the vouchers that will be provided through the program will be in amounts of not more than \$2,000 per year;

(3) provides an assurance that the eligible entity (or another specified entity that is not a voucher recipient) will contribute the non-Federal share of the cost of providing the vouchers; and

(4) meets such other conditions as the Secretary may specify.

(e) FEDERAL SHARE.—The Federal share of the cost of providing the vouchers shall be not more than 80 percent.

SEC. 304. STAFF DEVELOPMENT CURRICULUM AUTHORIZATION.

(a) FUNDING.—

(1) IN GENERAL.—The Secretary shall award funding, on a competitive basis, through a grant, cooperative agreement, or contract, to a public or private entity or a combination of such entities, for the development, evaluation, and dissemination of a staff development curriculum, and related guidelines, for computer-assisted, competency-based, multimedia, interactive instruction, relating to service as a direct support worker.

(2) PARTICIPANTS.—The curriculum shall be developed for individuals who—

(A) seek to become direct support workers who assist individuals with developmental disabilities or are such direct support workers; and

(B) seek to upgrade their skills and competencies related to being a direct support worker.

(b) APPLICATION REQUIREMENTS.—To be eligible to receive an award under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a comprehensive analysis of the content of direct support roles;

(2) information identifying an advisory group that—

(A) is comprised of individuals with experience and expertise with regard to the support provided by direct support workers, and effective ways to provide the support, for individuals with developmental disabilities in diverse settings; and

(B) will advise the entity throughout the development, evaluation, and dissemination of the staff development curriculum and guidelines;

(3) information describing how the entity will—

(A) develop, field test, and validate a staff development curriculum that—

(i) relates to the appropriate reading level for direct service workers who assist individuals with disabilities;

(ii) allows for multiple levels of instruction;

(iii) provides instruction appropriate for direct support workers who work in diverse settings; and

(iv) is consistent with subsections (b) and (c) of section 101 and section 109;

(B) develop, field test, and validate guidelines for the organizations that use the curriculum that provide for—

(i) providing necessary technical and instructional support to trainers and mentors for the participants;

(ii) ensuring easy access to and use of such curriculum by workers that choose to participate in using, and agencies that choose to use, the curriculum;

(iii) evaluating the proficiency of the participants with respect to the content of the curriculum;

(iv) providing necessary support to the participants to assure that the participants have access to, and proficiency in using, a computer in order to participate in the development, testing, and validation process;

(v) providing necessary technical and instructional support to trainers and mentors for the participants in conjunction with the development, testing, and validation process;

(vi) addressing the satisfaction of participants, individuals with developmental disabilities and their families, providers of services for such individuals and families, and other relevant entities with the curriculum; and

(vii) developing methods to maintain a record of the instruction completed, and the content mastered, by each participant under the curriculum; and

(C) nationally disseminate the curriculum and guidelines, including dissemination through—

(i) parent training and information centers funded under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.);

(ii) community-based organizations of and for individuals with developmental disabilities and their families;

(iii) entities funded under title I;

(iv) centers for independent living;

(v) State educational agencies and local educational agencies;

(vi) entities operating appropriate medical facilities;

(vii) postsecondary education entities; and

(viii) other appropriate entities; and

(4) such other information as the Secretary may require.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

(a) SCHOLARSHIPS.—There are authorized to be appropriated to carry out section 303 \$800,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 through 2006.

(b) STAFF DEVELOPMENT CURRICULUM.—There are authorized to be appropriated to carry out section 304 \$800,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 and 2002.

TITLE IV—REPEAL

SEC. 401. REPEAL.

(a) IN GENERAL.—The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Sections 644(b)(4) and 685(b)(4) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)(4), 1484a(b)(4)) are amended by striking “the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(2) NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.—Section 4(17)(C) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(17)(C)) is amended by striking “as defined in” and all that follows and inserting “as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(3) REHABILITATION ACT OF 1973.—

(A) Section 105(c)(6) of the Rehabilitation Act of 1973 (29 U.S.C. 725(c)(6)) is amended by striking “the State Developmental Disabilities Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)” and inserting “the State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(B) Sections 202(h)(2)(D)(iii) and 401(a)(5)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 762(h)(2)(D)(iii), 781(a)(5)(A)) are amended by striking “Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)” and inserting “Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(C) Subsections (a)(1)(B)(i), (f)(2), and (m)(1) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) are amended by striking “part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)” and inserting “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(D) Section 509(f)(5)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(f)(5)(B)) is amended by striking “Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)” and inserting “Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(4) ASSISTIVE TECHNOLOGY ACT OF 1998.—

(A) Section 3(a)(11)(A) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(a)(11)(A)) is amended by striking “part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)” and inserting “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(B) Paragraphs (1) and (2) of section 102(a) of the Assistive Technology Act of 1998 (29

U.S.C. 3012(a)) are amended by striking “Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)” and inserting “Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(5) HEALTH PROGRAMS EXTENSION ACT OF 1973.—Section 401(e) of the Health Programs Extension Act of 1973 (42 U.S.C. 300a-7(e)) is amended by striking “or the” and all that follows through “may deny” and inserting “or the Developmental Disabilities Assistance and Bill of Rights Act of 1999 may deny”.

(6) SOCIAL SECURITY ACT.—

(A) Section 1919(c)(2)(B)(iii)(III) of the Social Security Act (42 U.S.C. 1396r(c)(2)(B)(iii)(III)) is amended by striking “part C of the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(B) Section 1930(d)(7) of the Social Security Act (42 U.S.C. 1396u(d)(7)) is amended by striking “State Planning Council established under section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, and the Protection and Advocacy System established under section 142 of such Act” and inserting “State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999 and the protection and advocacy system established under subtitle C of that Act”.

(7) UNITED STATES HOUSING ACT OF 1937.—Section 3(b)(3)(E)(iii) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)(iii)) is amended by striking “developmental disability” and all that follows and inserting “developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(8) HOUSING ACT OF 1949.—The third sentence of section 501(b)(3) of the Housing Act of 1949 (42 U.S.C. 1471(b)(3)) is amended by striking “developmental disability” and all that follows and inserting “developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(9) OLDER AMERICANS ACT OF 1965.—

(A) Section 203(b)(17) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)(17)) is amended by striking “Developmental Disabilities and Bill of Rights Act” and inserting “Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(B) Section 427(a) of the Older Americans Act of 1965 (42 U.S.C. 3035f(a)) is amended by striking “part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.)” and inserting “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(C) Section 429F(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3035n(a)(1)) is amended by striking “section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5))” and inserting “section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(D) Section 712(h)(6)(A) of the Older Americans Act of 1965 (42 U.S.C. 3058g(h)(6)(A)) is amended by striking “part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.)” and inserting “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(10) CRIME VICTIMS WITH DISABILITIES AWARENESS ACT.—Section 3 of the Crime Victims With Disabilities Awareness Act (42 U.S.C. 3732 note) is amended by striking “term” and all that follows and inserting the following “term in section 102 of the Devel-

opmental Disabilities Assistance and Bill of Rights Act of 1999”.

(11) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—The third sentence of section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)) is amended by striking “as defined” and all that follows and inserting “as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(12) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G(3) of the State Dependent Care Development Grants Act (42 U.S.C. 9877(3)) is amended by striking “section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(13) PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986.—

(A) Section 102(2) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(2)) is amended by striking “part C of the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(B) Section 114 of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10824) is amended by striking “section 107(c) of the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “section 105 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(14) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 422(2)(C) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11382(2)(C)) is amended by striking “as defined” and all that follows and inserting “as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999, or”.

(15) ASSISTED SUICIDE FUNDING RESTRICTION ACT OF 1997.—

(A) Section 4 of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14403) is amended—

(i) by striking the section heading and inserting the following:

“SEC. 4. RESTRICTION ON USE OF FEDERAL FUNDS UNDER CERTAIN GRANT PROGRAMS.”;

and

(ii) by striking “part B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “subtitle B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.

(B) Section 5(b)(1) of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14404(b)(1)) is amended by striking subparagraph (A) and inserting the following:

“(A) PROTECTION AND ADVOCACY SYSTEMS UNDER THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1999.—Subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.”.

Mr. LAZIO. Mr. Speaker, I'd like to begin by thanking Senator JEFFORDS for his help in passing this bill in the Senate.

Mr. Speaker, this year is the 10th anniversary of a landmark piece of civil rights legislation—the Americans with Disabilities Act.

And, it is in that spirit that I rise in support of the re-authorization of the Developmental Disabilities Assistance and Bill of Rights Act.

Mr. Speaker, this is good bi-partisan legislation.

It is legislation that reflects the spirit of enterprise and ingenuity that made America great.

It is legislation that promotes self-sufficiency, Productivity and community integration for those who suffer from developmental disabilities.

This program provides basic state funding for local developmental disability councils.

It provides state grants for advocacy and protection.

It funds university affiliated programs and programs of national significance, all of which are vital to the services needed for the disabled.

This legislation will bring over \$6 million each year to provide these programs to needy New Yorkers.

Mr. Speaker, The over 2 million New Yorkers who suffer from disabilities are no different from the rest of us.

They have ambitions, goals and desires, just like you or me.

They are people like Fred Klemm, from Hauppauge, Long Island, in my district, who has a wife and 2 children.

He was a dietary assistant looking forward to going back to school when disaster struck.

Fred was found in the Atlantic Ocean at Smith Point County Park, LI, after an accident on his jet ski.

After 4½ months in the hospital, Fred was transported to a rehab center to begin his recovery.

Fred now lives in an assisted-living apartment and is being helped to re-learn skills he will need to one day be able to live independently.

Mr. Speaker, Fred's rehabilitation is being conducted by the Long Island Head Injury Association (LIHA).

LIHA is a independent, not-for-profit group that receives Disability Act funding through one of the four programs re-authorized by the Act—the basic state grants for developmental disability councils. And, since 1963, Mr. Speaker, The Developmental Disabilities Assistance Act has helped America's most vulnerable citizens to attain the productivity that benefits both them and us.

And, it does so in a way that is consistent with principles of responsibility and restraint that are at the core of our world view.

This bill provides flexibility for States to fashion programs that respond to local problems.

It is pro-family. By supporting the ability of families to rear and nurture their developmentally disabled children in the home.

It is fiscally responsible. Because most activities are implemented at the State level, with only an extremely small Federal agency to provide general oversight of the program.

It promotes accountability for measurable results in programs serving the disabled.

Mr. Speaker, we more fortunate Americans will be judged on how we care for the less fortunate among us.

Let's offer a hand up to some of those who need it the most. Let's authorize this program, let's pass this bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to

revise and extend their remarks on S. 1809, and to include extraneous material thereon.

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

There was no objection.

CORRECTING ENROLLMENT OF S. 1809, DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1999

Mr. LAZIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 133) to correct the enrollment of S. 1809, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

Mr. HOYER. Mr. Speaker, reserving the right to object, I will not object, but I yield to the gentleman from New York (Mr. LAZIO) so he might explain the unanimous consent request.

Mr. LAZIO. Mr. Speaker, I want to thank the gentleman from Maryland for his leadership on this particular bill, as he is a leader on many bills of interest to Americans who are concerned about empowering those among us who are disabled.

This takes up, which we just passed, actually, S. 1809, which is the Senate-passed Developmental Disabilities Act reauthorization, with a correcting enrollment, which we are doing right now.

It maintains the language that the gentleman and I have worked through in the House-passed version, basic reauthorization.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman for his explanation, and I thank him for his work on this. I certainly want to say to our friends in the Senate, Senator JEFFORDS and Senator HARKIN and others who have worked on this legislation, that we are very pleased that it is here. We are pleased that, with the gentleman from New York, we were able to get agreement on the unanimous consent. I rise in very strong support of the passage of this legislation.

Mr. Speaker, I am pleased to be here to discuss a landmark piece of legislation that will improve the lives of over four million individuals with developmental disabilities—The Reauthorization of the Developmental Disabilities Act.

The road to passing The Reauthorization of the Developmental Disabilities Act has been long and tortuous.

The Reauthorization of the Developmental Disabilities Act was passed originally by the Senate around the same time this month, last year. We had some problems moving it here in the House, but were finally successful in passing a House version in July during the 10th anniversary celebration of The Americans With Disabilities Act (ADA).

As the lead sponsor of the ADA 10 years ago, I was especially pleased to be able to

work on another important piece of disability legislation while celebrating the passage of civil rights for people with disabilities.

Today we are here to pass a joint resolution that incorporates technical changes we made here in the House and re-pass the Senate's version.

This bill originated in the Senate, and out of respect for the hard work of Senators JEFFORDS, KENNEDY and HARKIN, we would like to send the original Senate bill to the President to sign.

The DD Act has not been substantially reauthorized since 1994, and is in need of some updating. Just as our technology and science evolves every day, so do the strategies for reaching, engaging, and assisting individuals with developmental disabilities.

Individuals with developmental disabilities often have multiple, evolving, life long needs that require interaction with agencies and organizations that offer specialized assistance as well as interaction with generic services in their communities.

The DD Act seeks to provide a voice for those with developmental disabilities, those with mental retardation, autism, cerebral palsy and epilepsy, as they navigate through the complicated system of public services, policies and organizations that we currently have in place.

The DD Act seeks to provide families with the knowledge and tools they need to help individuals with developmental disabilities become integrated and included in their communities, to foster true independence of those with developmental disabilities and protect themselves from abuse and neglect.

Mr. Chairman, as we stand here today, ready to pass the final version of the Developmental Disabilities Act, I think it is appropriate to acknowledge and remind all of my colleagues of the battle that people with disabilities have fought in order to obtain basic civil rights.

It is appropriate that the House passed the first version of this bill on the 10th anniversary of the ADA, and today as we pass this final version of the Developmental Disabilities Act, the Supreme Court is hearing a case that may significantly alter the civil rights protections granted in the ADA.

Today the court is hearing oral arguments to review whether Congress had the authority to abrogate State immunity and enforce the ADA's anti-discrimination protections against State governments.

A negative ruling from the Supreme Court could call into question altogether the constitutionality of title II of the ADA, as well as other disability rights statutes.

As someone who was there during the debates on the ADA, these questions aren't hard to answer. There was a great deal of discrimination going on at the State level—people with disabilities were segregated into institutions; children were discriminated against in public school; public transportation didn't accommodate wheelchairs; and there was a history of section 504 litigation that proved discrimination was happening at the State level. The Bush administration's own national council on disability documented the discrimination in its report to Congress.

We can't let the court turn back the clock on disability rights in the same year that we are celebrating the anniversary of these important protections.

The ADA allowed us to tear down the wall of exclusion and pour a strong foundation for the house of equality. But that house—in which Americans are judged by their ability and not their disability—is still being built.

The promise remains unfulfilled, but still is within reach.

I urge my colleagues to support the reauthorization of the Developmental Disabilities Act.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 133

Resolved by the Senate (the House of Representatives concurring). That the Secretary of the Senate, in the enrollment of the bill (S. 1809) to improve service systems for individuals with developmental disabilities, and for other purposes, shall make the following corrections:

(1) Strike "1999" each place it appears (other than in section 101(a)(2)) and insert "2000".

(2) In section 101(a)(2), strike "are" and insert "were".

(3) In section 104(a)—

(A) in paragraphs (1), (3)(C), and (4), strike "2000" each place it appears and insert "2001"; and

(B) in paragraph (4), strike "fiscal year 2001" and insert "fiscal year 2002".

(4) In section 124(c)(4)(B)(i), strike "2001" and insert "2002".

(5) In section 125(c)—

(A) in paragraph (5)(H), strike "access" and insert "access"; and

(B) in paragraph (7), strike "2001" and insert "2002".

(6) In section 129(a)—

(A) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".

(7) In section 144(e), strike "2001" and insert "2002".

(8) In section 145—

(A) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".

(9) In section 156—

(A) in subsection (a)(1)—

(i) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(ii) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007"; and

(B) in subsection (b), strike "2000" each place it appears and insert "2001".

(10) In section 163—

(A) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".

(11) In section 212, strike "2000 through 2006" and insert "2001 through 2007".

(12) In section 305—

(A) in subsection (a)—

(i) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(ii) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007"; and

(B) in subsection (b)—

(i) strike "fiscal year 2000" and insert "fiscal year 2001"; and

(ii) strike "fiscal years 2001 and 2002" and insert "fiscal years 2002 and 2003".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on Senate Concurrent Resolution 133, and to include extraneous material thereon.

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

There was no objection.

GENERAL LEAVE.

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 616.

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

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2415, AMERICAN EMBASSY SECURITY ACT OF 1999

Mr. CHABOT. Mr. Speaker, by direction of the Committee on International Relations and pursuant to clause 1 of rule XXII, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CHABOT moves that the House disagree to the amendment of the Senate to the Bill H.R. 2415 and agree to the conference requested by the Senate.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. CHABOT) is recognized for 1 hour.

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

Mr. Speaker, the purpose is to go to conference on H.R. 2415.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

PARLIAMENTARY INQUIRIES

Mr. CONYERS. Parliamentary inquiry, Mr. Speaker. Is it not traditional that at least the other side of the aisle would get half the time, 30 minutes? Is that not traditional here?

The SPEAKER pro tempore. The time for debate on this motion is 1 hour. It is at the discretion of the gentleman from Ohio (Mr. CHABOT).

Mr. NADLER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) will state his parliamentary inquiry.

Mr. NADLER. Mr. Speaker, do I understand the Chair to be saying that the majority party has decided that the minority has zero time for debate on this bill because it is embarrassed by this bill, or because of some other reason?

The SPEAKER pro tempore. The gentleman from Ohio has moved the previous question on the motion.

Mr. NADLER. Continuing parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. NADLER. Mr. Speaker, am I to understand from what the gentleman has said and from what the Speaker is saying that the minority is to be denied its customary time to debate this bill; that there is no time to debate this bill at all? Is that what we are to understand?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. NADLER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York will state his inquiry.

Mr. NADLER. Under the rules of this House, how much time will the minority get to debate this bill, this motion?

The SPEAKER pro tempore. If there is a motion to instruct the conferees, the hour of debate on that motion is equally divided.

Mr. NADLER. I cannot hear you, sir.

The SPEAKER pro tempore. Any motion to instruct conferees to follow will be debatable for one hour, equally divided.

Mr. GEJDENSON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. GEJDENSON) will state his parliamentary inquiry.

Mr. GEJDENSON. Mr. Speaker, is the Speaker aware of other precedents where the minority was not given half the time to discuss the motion to go to conference?

The SPEAKER pro tempore. The gentleman has simply moved the previous question.

Mr. GEJDENSON. Excuse me, again, Mr. Speaker. Is it not the tradition of the House that the minority have an opportunity to discuss the motion, and not be silenced by this parliamentary maneuver?

The SPEAKER pro tempore. The Chair cannot be the historian of the House under the guise of a parliamentary inquiry.

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

The SPEAKER pro tempore. The gentleman from Ohio (Mr. CHABOT) has moved the previous question.

Mr. GEKAS. Mr. Speaker, may I try to untangle this?

The SPEAKER pro tempore. Are there further parliamentary inquiries?

Mr. GEJDENSON. Continuing parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Connecticut will state his parliamentary inquiry.

Mr. GEJDENSON. Would it be appropriate at this point, Mr. Speaker, for the gentleman from Ohio to ask unanimous consent to remove his motion, and then we can have a discussion?

Mr. CHABOT. Mr. Speaker, I withdraw my request for the previous question.

Mr. Speaker, I yield 10 minutes to the other side and 10 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Pennsylvania (Mr. GEKAS) each will control 10 minutes.

There was no objection.

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

Mr. Speaker, when we came to the floor for this august parliamentary debate, we came with the understanding that an agreement had been reached that on the motion to go to conference, that there would be no debate and that it would be routinely accorded a voice vote, and then we would move to what the minority has planned to do; namely, to move on a motion to instruct the conference. That was the understanding under which we came to the floor.

If Members want to begin the debate on the content of their motion to instruct during the motion to go to conference, they are just duplicating effort. Why do we not all agree that the motion for conference, to go to conference, will be accorded a voice vote, and then go into the debate on the motion to instruct? That is the gentlemanly way to approach this.

I ask the minority to allow the vote to go to conference to take place, and then we can proceed to the motion to instruct, and we will debate the merits of that motion.

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

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

Mr. Speaker, I would say to my friend, the gentleman from Pennsylvania; they are there are two different questions involved. We cannot roll one into the other and say, let us go on. We want to talk about what is happening procedurally on this bill.

We are dealing with a bill that has already been passed into law in which there is an attempt now to patently misuse the legislative process. Enough time on that.

Mr. Speaker, it is my understanding that the State Department authorization has already been enacted. Is this bill, therefore, merely being used as a vehicle to enact bankruptcy, the bankruptcy provisions?

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS), the ranking member of the subcommittee; the chair of the subcommittee.

Mr. GEKAS. Mr. Speaker, we should at least get that right.

Mr. Speaker, I am willing to answer. Let us go back to something I said.

How can the gentleman from Michigan say that?

Mr. CONYERS. Mr. Speaker, yes or no, please.

Mr. GEKAS. Mr. Speaker, is the gentleman yielding to me or not?

Mr. CONYERS. I am, for an answer.

Mr. GEKAS. What is the question? What is the answer?

Mr. CONYERS. I could give the gentleman the answer as well, but the question is, is this bill before us merely a vehicle to enact the bankruptcy provisions?

Mr. GEKAS. No, not merely.

Mr. CONYERS. Not merely. What else?

Mr. GEKAS. It depends on what the word "else" means and what "is" means. But at this point, it is not merely to put in the bankruptcy.

Mr. CONYERS. Yes. That is very good.

Mr. Speaker, this is a very poor process, as everybody on the floor has already noted. This is totally against tradition, to attempt to move this measure of bankruptcy into a measure that has already been passed into law. This is incredible.

Mr. Speaker, as a matter of fact, I will ask for the assistance of the gentleman from Virginia (Mr. BOUCHER), and will need, at the appropriate time, to be asking the Speaker for an exercise of discretion to substitute him for me as a conferee on the following issues with regard to enhanced consumer protection, priority child support provisions, general and small business bankruptcy provisions, municipal bankruptcy provisions, data bankruptcy, and several other items.

Mr. Speaker, I would ask the Speaker to keep that in mind at the appropriate time.

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

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

Mr. Speaker, some day before this session is over or before our careers are over, I say to the gentleman from Michigan, I want him to explain to me on a one-to-one basis why we came to this floor on a gentleman's agreement that we were going to proceed on the motion to conference and then reserve the debate for the motion to instruct?

If there was no such agreement, then I say to the gentleman, we will stay here for 3½ hours, if the gentleman wants to, to debate the motion to instruct, or any phase of what the gentleman wants to try to get across.

All I am saying to the gentleman is, are we not prepared now to go to a motion to instruct?

□ 1715

Let us just proceed with the debate. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, let me start from the beginning and say I was

aware of no gentleman's agreement. In order to purchase the right to speak on this bill, we just gave up the right to vote on this bill because of the coercion by the Republican majority.

We had to purchase the right to speak on this bill for 10 minutes on our side instead of 30 minutes, because my colleagues are trampling on the rules and the customs and the procedures of the House, because my colleagues do not want any debate on this bill, because it will not stand the light of day, especially what my colleagues are doing here.

This is a State Department reauthorization bill, but who is managing it? Do we see the foreign affairs committee people here on either side of the aisle? No, everybody knows that is a fiction. This is a bankruptcy bill, and therefore the Committee on Judiciary people are here, the gentleman from Pennsylvania (Mr. GEKAS), the gentleman from Connecticut (Mr. CONYERS), myself in order to deal with this bankruptcy bill in the guise of the State Department authorization bill, a motion to go to conference on the State Department authorization bill, a bill that was signed into law last year, number one.

Number two, why? Why are we trampling upon the normal procedures and rules of the House? Because \$40 million has been spent on lobbying and campaign contributions by the big banks and they must be repaid. They must get their way. People in the margins of society, those who have had their jobs sent overseas, who have suffered serious illnesses, who have had to face the economic consequences of divorce or the death of a breadwinner, these Americans have very small voices in this Congress, and they are drowned out by the millions spent by the big banks, by the shopping centers, the credit card companies.

This dominates and will have their way on this, even if the majority just trampled the rules and the procedures and customs of the House.

Mr. Speaker, we are not getting prescription drug relief. We are not getting campaign finance reform. Farmers have been without chapter 12 relief for months while family farms are still being held hostage to the banks' wish list. We have not even done our basic business and passed the appropriations bills to fund the Federal Government.

But today we have before us in the guise of a motion to go to conference on a State Department bill, a 400-page list of favors for the large special interests. We should pay our debt to the American people, first. No one knows what is in the bill that is going to be proposed in this conference. Nobody here will get to review it.

This will be another secret shame on the House and on the voters. This is a perfect illustration of the depths to which our failure to pass serious campaign finance reform a few years ago has brought us. I am sorry that we do not have a full hour to debate this bill, that we have only 20 minutes because

of the wish of the majority to trample on the rules of this House, because they do not want to see this bill really debated, to see the light of day, because if the American people really knew what was in it, they would be outraged.

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

Mr. Speaker, the gentleman from New York (Mr. NADLER) really wants to debate the bill. If we do debate it for another 2 hours or 4 hours, it will be a cumulation, a cumulative period of about 50 hours that we have spent debating the very same items that are in this bill that were in when we first debated it and which gained in the House of Representatives 315 votes.

This was a bigger vote on the same provisions, almost the same wording, a bigger vote than the previous time when the House voted 300-something-plus on the same provisions to which we are addressing these remarks.

It has been debated in committee, in subcommittee, off the floor, in informal conference, in the newspapers, in the forums of the news media, and we are prepared to do the will of the Congress, to do the will of the House. That is why we had to use this extraordinary measure to make sure that the will of the people in the country and the will of the Members of the House and of the Senate be accorded a vote finally on bankruptcy reform.

What has happened is, even though we tried valiantly through our chairman, the gentleman from Illinois (Mr. HYDE), to try to convene a conference as far back as June, recalcitrant Members of the minority in the other body saw fit to try to wreck this reform measure, just as others even on the floor here today are trying to do, and because of that, we had to move along, plug along in trying to get a vehicle or a methodology by which we can return back to this floor with the bill which had handsomely passed this membership. And even though the gentlemen who are now speaking on the minority were eloquent in lambasting the unfairness of the bill and all the concoctions that they wrought for the purpose of trying to defeat the bill, despite all of that, I repeat with pride, that 315 Members voted in favor of it.

Only the members of the Committee on the Judiciary on the minority were in any kind of gathering of force to try to oppose it, and they failed miserably.

What we are trying to do, Mr. Speaker, is to allow this body to again voice its approval of a much-needed reform. Our country needs bankruptcy reform. The people by a handsome majority favor the reform measure. If we want to argue it some more, we will keep bringing up the 315 votes, we will keep bringing up those people who support it, all the groups around the country that are in favor of bankruptcy reform, and do whatever it takes to re-convince the 315 that we are prepared to bring reform in bankruptcy to the American people.

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

Mr. CONYERS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. OSE). The gentleman from Pennsylvania (Mr. GEKAS) has 5 minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 4 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas, (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is interesting that we come again with the same representation of 315 votes. This is the people's House, but we voted on this bankruptcy legislation that is now being tagged on to a State Department authorization for no reason in 1997, 1998, and 1999. There is no swell in this for this bill to be brought forward with all of the ills that it has. It is a bad bill. There is no need in this economy for a bankruptcy reform.

The bankruptcy judges have said there is no need. The trustees have said there is no need, but there is need to help those who suffer from catastrophic illnesses or senior citizens who cannot afford to do what they need to do because of catastrophic illnesses or because people are divorced, or because there is a question about child support and alimony. These need to be fixed.

There is a homestead exemption that needs to be balanced with other States; but, yet, we are coming to the floor with the bankruptcy bill in the dark of night almost with no understanding as to why this bill has to be pushed through in this session, when, in fact, Mr. Speaker, it has problems.

I know we are going to go to conference. I hope we can try and fix these problems in conference.

Mr. GEKAS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 5 minutes remaining.

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

Mr. Speaker, I think the RECORD should reflect the fact that every single issue that the gentlewoman from Texas (Ms. JACKSON-LEE) articulated here in her remarks has been debated, redebated, discussed, rediscussed, over-discussed, continuously discussed, and hearings were held on them. Then I repeat, because it is an important fact for everybody to remember, after all of that and all of the debate, including the gentlewoman's concerns which she just expressed, 315 Members of the House and whatever it was in the other body overwhelmingly approved bankruptcy reform.

The time has come for us to resolve the issue. Should we or should we not bring bankruptcy reform to the American people? We are facilitating that through this mechanism of the conference which we are about to convene.

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

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on Commercial and Administrative Law.

Mr. NADLER. Mr. Speaker, I simply want to ask the gentleman from Pennsylvania (Mr. GEKAS), chairman of the subcommittee, since he assured us a moment ago that this House has voted on this bill, can he assure us that the bill that we are going to see is the same bill the House voted on, or is it a different bill? How do we know?

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

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, it will be different, but the basic core values of the bankruptcy reform bill which will make sure—

Mr. NADLER. Reclaiming my time, Mr. Speaker.

Mr. GEKAS. Does the gentleman want to reclaim his time?

Mr. NADLER. Yes, Mr. Speaker, it is my time.

Mr. Speaker, I thank the gentleman for answering the question. The gentleman said it will be different, so we have not debated that bill. We may have debated a bill with similar core values. I am not going to say I concede that, I assume that, but it is not the same bill.

Mr. Speaker, I would ask one other if the gentleman wants to answer. What on earth does this have to do with the State Department authorization? What on earth does this have to do with reauthorization of the State Department?

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

Mr. NADLER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, it has to do with the search for better government within the Congress of the United States, in the realm of the State Department and in the realm of bankruptcy reform, and for the good of our people who demand action on the State Department and on bankruptcy reform.

Mr. NADLER. Reclaiming my time, I thank the gentleman, Mr. Speaker. In other words, we are using the State Department bill for something that has nothing to do with the State Department, because we cannot find an honest way under the rules of the House to do this.

Mr. CONYERS. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 1½ minutes remaining, the gentleman from Pennsylvania (Mr. GEKAS) has 4 minutes remaining, and the gentleman from Ohio (Mr. CHABOT) has 40 minutes remaining.

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

Mr. GEKAS. Mr. Speaker, I reserve the balance of my time. Is there a tie now?

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I urge that we vote against this misguided effort to include provisions of so-called reform of the Bankruptcy Act that would impose an indiscriminate means test that will be injurious to women, to the payment of childcare; and not only is this process disappointing, the substance of the bill before us falls far short of what this body should do for the hard-working and poor people of this country, more than half of whom file for bankruptcy because of health care costs.

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

Mr. Speaker, this is yet another blatant example of the misuse of the legislative process by the Republican majority. Last week, it was used in the Violence Against Women Act as an excuse to pass special interests legislation benefiting the alcohol wholesalers.

Today, we are attempting to use the State Department bill as a ruse to pass special interests bankruptcy provisions. Now what is wrong with the bill? The proposal attempts to oppose an indiscriminate means test to determine eligibility for bankruptcy relief. It is highly damaging to a single mother's access to the bankruptcy system.

The business provisions of the proposal will impose harsh time deadlines and massive new legal and paperwork requirements. And so I want to say to my colleagues that the bankruptcy referees who have tried to consult with us are shocked that we would move such legislation forward.

Mr. Speaker, I urge my colleagues not to give it their support.

□ 1730

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Speaker, I rise in support of the motion to go to conference on H.R. 2415. I also rise in support of the inclusion of the bankruptcy reform legislation as a part of this measure. Inclusion of the legislation as part of this act will enable us to move forward with a much-needed reform of the bankruptcy laws.

That reform was approved in this House in May by the overwhelming vote of 315 to 108, and I would suggest that that strong vote underscores the broad agreement among Members of the House on both sides of the aisle that we need a bankruptcy reform that restores an element of personal responsibility to the bankruptcy process.

In February of this year, the Senate approved a similar measure by the vote of 83 to 14. Unfortunately, due to procedural hurdles in the Senate, it has been difficult to reach an agreement between the two bodies so that uniform legislation may be considered by both Chambers.

The hurdles encountered in the other body have created the need to utilize

the procedure that we are considering today. The legislation takes a balanced approach to bankruptcy reform.

Our main goal in passing the legislation was to encourage those individuals who can repay a substantial part of what they owe to use the reorganization procedures of Chapter 13 rather than the complete liquidation procedures of Chapter 7.

That is a modest and needed reform endorsed broadly in this House, endorsed broadly in the other House. All that we are asking now is the opportunity to have a conference to bring final agreement to this much-needed measure.

So, Mr. Speaker, I urge that this House approve the motion to go to conference.

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

Mr. Speaker, I ask the gentleman from Michigan (Mr. CONYERS) if he is prepared to go to a vote to go to conference. If so, I will yield back the balance of my time, and we can vote on the conference and go to the next portion of this.

Mr. CONYERS. Mr. Speaker, if the gentleman will yield, the answer is yes.

Mr. GEKAS. Yes.

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

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. NADLER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill (H.R. 2415) be instructed to insist that—

(1) A meeting of the committee of conference be held and that all such meetings

(A) be open to the public and to the print and electronic media; and

(B) be held in venues selected to maximize the capacity for attendance by the public and the media.

(2) the committee of conference allow sufficient opportunity for members of the committee on conference to offer and to debate amendments to the matters in conference at all meetings of the committee of conference.

Mr. GEKAS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read, and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Under rule XXII, the gentleman from New York (Mr. NADLER) and the gentleman from Pennsylvania (Mr. GEKAS) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, if it is in deference to the wish of the majority to move expeditiously, I ask unanimous consent that we limit debate to 15 minutes on each side.

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

Mr. GEKAS. Mr. Speaker, I will think about it for about 3 seconds and say proceed. We will agree to restrict it to 15 minutes on each side.

There was no objection.

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

Mr. Speaker, this motion to instruct simply instructs the managers on several points: one, that all meetings of the conference committee be open to the public and to the print and electronic media and be held in venues selected to maximize the capacity for attendance by the public and the media; that is, that it be held in a large room and that it be open and public.

Secondly, that the committee of conference allow sufficient opportunity for members of the committee on conference to offer and to debate amendments to the matters in conference at all meetings of the committee of conference.

In other words, Mr. Speaker, if we are sending this bill to a conference committee, it should be a real conference committee, not the sham, shadow conference where only people who basically approved of the bill were consulted, and not the sham conference we had 2 years ago where, after a ceremonial opening where no one was allowed to offer amendments, everything else was done in camera and the members of the minority were presented only with a written report to sign or not to sign. There were no further meetings.

If the spirit of democratic procedure, with a small "d," in this House is to be upheld, then the conference committee ought to be a real committee. There ought to be meetings. The meetings ought to be held in a room with chairs and seats and space for the media to report on it as is generally the case with, as in fact is uniformly the case with the rules of the House for committee meetings. That is all this says.

I find it difficult to imagine how anyone can vote against this because all it says is the meetings of the conference committee should be in conformance with the normal practices, open meetings, and the bill should be a result of open deals openly arrived at, to paraphrase Woodrow Wilson.

It is a very simple motion. I expect everyone will support this obviously uncontroversial and constructive motion so that the bill and the changes that will be made in it can be done in the light of day, and everyone can be responsible for what they do. The media, whoever is interested can be there, and there will be seats in the room so people who are interested can watch it. It is hard for me to imagine any grounds for opposing this.

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

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

Mr. Speaker, I am willing to and will yield back the balance of my time and say to the movers of the motion that we agree to the content of the motion and we can go directly to a vote.

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

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume, and I will yield to the gentleman from Pennsylvania for a question.

Mr. GEKAS. Mr. Speaker, if the gentleman will yield, I will answer if I can.

Mr. NADLER. Mr. Speaker, do we have a commitment from the gentleman from Pennsylvania (Mr. GEKAS), a personal commitment, that the terms of this motion to instruct will, in fact, be adhered to, because we have a record here of motions to instruct being ignored. So in other words, do we have a commitment that, in fact, the meetings will be open to the public as it says here and members of the conference committee will have opportunity to offer amendments and so forth?

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, the procedure is implicit in the rules of the House as to how a conference and to what proportions Members will be able to participate and to what degree access to the public will be made, and so I do confirm the rules of the House in that regard.

Mr. NADLER. Mr. Speaker, reclaiming my time, frankly, no one has to confirm the rules of the House. The rules of the House are what they are. But despite the rules of the House, past conferences on this bill and conferences on other bills have not been done this way. Some have. Many have not been.

So I ask if we have the gentleman's personal commitment as a member of the majority, perhaps the chairman of the conference, that the conference will be done in accordance with the urgings of this motion that we are apparently about to pass. Because the rules of the House have no enforcement mechanism. That is why I am asking for his personal commitment as the enforcement mechanism on this situation.

Mr. Speaker, since the gentleman from Pennsylvania (Mr. GEKAS) is looking at me with a quizzical look on his face—

Mr. GEKAS. Mr. Speaker, I always do.

Mr. NADLER. Well, sometimes, I deserve that.

Mr. GEKAS. Yes.

Mr. NADLER. And sometimes not. But in any event, the rules of the House are often waived. So that is why I am simply asking for the gentleman's word, his commitment that, in this case, the rules of the House, as expressed in this motion to instruct,

namely, that the meetings will be open to the public and to the print and electronic media, that they will be held in rooms large enough so people can attend, and that members of the conference committee will have the opportunity to offer and debate amendments, that that in fact will be done.

Do I have the gentleman's commitment and assurance that that, in fact, will be done?

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I think we have to divide the gentleman's question. It has so many facets to it.

Let me put it this way. If I become chairman of the conference, I will have some power to determine the parameters of how it would be run. I am the lowly chairman of the subcommittee which happened to author this wonderful and needed bankruptcy reform measure. To the extent that we can expedite this matter, I have tried to cooperate on the floor, as I have in all stages of these procedures. I want this thing to move on; and whatever the conference requires of its members, I will accede in doing.

Mr. NADLER. Mr. Speaker, with all due deference, that is not an answer.

Mr. GEKAS. Mr. Speaker, the question is—

Mr. NADLER. Mr. Speaker, excuse me, it is my time now.

Mr. Speaker, with all due deference, the best way, I do not know if it is the best way, but the easiest way to expedite the process of the bill is to walk out with a bill, have the majority members of the conference committee sign it, and come back and say this is the conference report with no meetings.

So I will ask again, do I have a commitment that there will, in fact, be meetings in a room with the members of the conference committee present at the same time and with members of the conference committee able to offer and debate amendments? Simple request. Do I have that commitment, yes or no?

Mr. GEKAS. Mr. Speaker, if the gentleman will yield, I will offer all the recommendations of the gentleman from New York (Mr. NADLER) to the committee when it is fully formed, and I will have a copy of the CONGRESSIONAL RECORD with all his recommendations in it. We will hope that the conference, for his sake, will accommodate as many of his requests in that multirequest statement he just made, Mr. Speaker.

So there is no need to prolong this. Let us go to conference.

Mr. NADLER. Mr. Speaker, with all due respect, we did not get any commitment that this will be adhered to. I will predict right now, and I will say it on the floor, and, in fact, let me pose a challenge to the Republican leadership. I do not believe they are going to adhere to this. I do not believe there will be a meeting. I do not believe members will have the opportunity to offer amendments. I do not believe there

will be votes on those amendments. I do not believe anyone will be able to sit at that meeting.

I challenge them to show me I am wrong. I predict that I am right. I challenge them to show me I am wrong. I challenge them to show me they can, in fact, proceed on this bill in an honorable way under the rules of the House. I bet they do not.

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

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) has 15 minutes remaining. The gentleman from New York (Mr. NADLER) has 7½ minutes remaining.

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

Mr. Speaker, I still wanted to go to a vote here. That is why I agreed to the motion.

Mr. Speaker, I will challenge the gentleman from New York (Mr. NADLER) to meet me here in this body next January when we reconvene and review what happened here today to see whether he was satisfied at the procedure that completed the work on bankruptcy reform. I challenge him to do that. Because the conference is a life all of its own. I cannot predict what it will do. I will not chair that conference.

I want to do the best I can to bring before the American people much-needed bankruptcy reform. Where have my colleagues heard that before, Mr. Speaker? They heard that from me, because it is the logical answer to all the contentions made by the people who oppose bankruptcy reform.

We are using a proved mechanism within the rules of the House and the Senate to bring a measure to the floor which has been debated, redebated, discussed, rediscussed, returned to the House, returned to the Senate, one term to the next. There is nothing more to be said except shall I vote yes or no on bankruptcy reform?

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

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

Mr. Speaker, we do not have to wait till next January, because I predict that we will have a bill on the floor, a completed conference report on the floor tomorrow. I also predict there will not have been a meeting, there will not have been votes or amendments.

Now, I am not talking now about the merits of the bill. I am talking about honest, open and democratic procedure so that people can see what is being done in the open light of day in accordance with the normal rules of the House, which hopefully would not be waived in this case.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the honorable ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I see the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the full

Committee on the Judiciary here. Could I ask if he would kindly join with us in pledging to affirm and carry out the details of the motion to instruct.

Mr. Speaker, I yield to the gentleman from Illinois (Chairman HYDE) for some closure on this matter.

Okay. The gentleman from Illinois (Chairman HYDE) does not care to comment on this matter.

□ 1745

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman made some interesting points. One, I think the gentleman's inquiry is whether or not the bankruptcy bill is the same bill that saw one or two votes on the floor of the House. The response was that it is not.

Mr. Speaker, I think that is an important point. I rise to support this motion to instruct because in the last session of Congress I was part of the conference on bankruptcy. I recall that conference being the opening of a door to a room, the seating at a table, the gaveling of the opening of that conference and the gaveling of the conclusion of that conference; all probably occurring within a 20-minute time frame, to my recollection. But there was no time for amendments or public view.

I think the misnomer that we have here, Mr. Speaker, is the terminology being used here: bankruptcy reform. There is no reform if we do not take into account people's catastrophic illnesses, divorce, the need for alimony protection, or child support protection. And there is no reform, Mr. Speaker, if the statistics will show that bankruptcy filings are going down.

The reason why this legislation has even come to the forefront and took so long is because there was some crisis that the proponents of this bill viewed that they were having. There is no crisis and the leaders in the industry, the bankruptcy judges, the bankruptcy trustees, say there is no need for reform. The bankruptcy commission never settled on a response or an answer that is incorporated in this bill. The bankruptcy commission never came forward on the means test, and that is what is in this bill.

This motion to instruct should be passed, Mr. Speaker, and I support it.

Mr. Speaker, I come before you today to oppose this motion. It includes the highly controversial bankruptcy bill that was introduced by Senator LOTT during September. This bill, has not improved the very harsh provisions in the bill.

The motion simply eliminates essential provisions for minimum wage and tax break provisions that were agreed upon after a hard fight by Democrats.

This drastic move, by the Republican leadership flies in the face of the months of negotiations by both parties to put forth legislation that would provide adequate protection to the American people. In the time it took to slip this

new bill in to the Senate Bill Clerk's Office, one member of the United States Senate cast aside and buried all the time we spent ensuring that certain protections were in place to assist hard working class and lower income people. This is regrettable.

I oppose this motion and introduction of this bill which has made a farce of the political process.

The greatest challenge before us in the bankruptcy reform efforts here in Congress is solving the widely recognized inadequacies of the law in the area of consumer bankruptcy. As it has always been in Congress, the key to this process, is, of course, successfully balancing the priorities of creditors, who desire to general reduction in the amount of debtor filing fraud, and debtors, who desire fair and simple access to bankruptcy protections when they need them.

We must come to a point of consensus on how to approach the problems of consumer-debtor abuse. The main problems in this area are, (1) inaccurate debtor statements of their assets in official filings, (2) multiple bankruptcy petitions in a short span of time in order to gain an automatic stay or immediate protection from indebtedness, (3) too few Chapter 13 participants, and (4) too few Chapter 13 plans are completed, particularly in regard to debtor obligations to unsecured creditors.

Mr. Speaker, imagine a debtor sitting at desk, money in one hand and financial obligations in the other. On the other side of this desk is a line of individuals waiting for payment. In this line there are creditors standing along side their attorneys, mothers holding the hands of their small children and students with books. The debtor begins to pay his creditors pursuant to law. As he begins to make payments he realizes that his available financial resources are limited—secured creditors are paid first. As he turns to make payment for his familiar obligations, the unsecured creditors move forward with their counsel and request payment or a lawsuit. Who will advocate for our children, America's largest indigent group? Who will speak for the recipients of alimony and support payments?

Let me start by stating that I am for bankruptcy reform that is equitable and fair to all interested parties. I am for bankruptcy reform that recognizes the financial interest at stake for the debtor, his family and his creditors. Reform that will give a debtor a fresh start—the new start bankruptcy has historically given to an individual that is financially unable to pay his debts.

The United States Constitution Article I, Section 8, grants Congress the power to establish uniform laws on the subject of bankruptcies throughout the United States. In January 1999 I took the Congressional Oath of Office to support and defend the Constitution of the United States against all enemies, foreign and domestic. It was an obligation that I took freely and without any reservation. As a Member of Congress, I am bound to uphold the Constitution.

My duty to uphold the Constitution is not a theoretical duty but a real duty; it is a duty that compels me to voice my opposition to attempt by Republicans to usurp the process. It is a duty that compels me to protect children, women and honest debtors. It is a duty that obligates me to oppose any legislation that will upset the delicate balance that has evolved over the years between creditors and honest debtors.

Regrettably this bill—will not give an honest debtor—a fresh start. In fact, it will create a modern day debtors' prison. Through the use of reaffirmation agreements and the shackling mandatory provisions of this bill—innocent women and children will be hurt. Alimony and support payments will be subordinated to the interest of creditors.

Children do not have the financial resources to hire an advocate to collect their support payments. Most women do not have the financial resources to hire an attorney to collect alimony payments. Who will advocate for our children—Who will speak for the recipients of alimony payments?

I am concerned about the potential adverse impact that this bill will have on America's families. This bill is not the product of a deliberative process, it is the off-spring of a rubber stamp bankruptcy reform factory—manufactured to curb financial abuse yet its provisions have not been tested. It may give rise to financial over-reaching by dishonest, unscrupulous creditors.

Debtors with the financial ability to pay their obligations should be required to satisfy these debts. Certainly, I am not suggesting that the bankruptcy code should provide a shield for individuals interested in defrauding creditors. Financial responsibility and integrity is a noble cause; however, a debtor's familiar obligations should not be held hostage in an effort to obtain these goals.

This bill redirects a significant portion of a debtor's income to banks and credit card companies without providing a mechanism to protect alimony and child support payments. Who will advocate for our children—Who will speak for the recipients of alimony payments?

This bill creates broader categories of non-dischargeable debt. These new non-dischargeable debt obligations will lower the potential for women and children to receive necessary support payments for their existence. Women and children will be in direct competition for the limited resources of the discharged debtor. Who will advocate for our children—Who will speak for the recipients of alimony payments?

This bill is a catastrophic threat to our families who rely on support payments. Needs based bankruptcy utilizes an artificial mathematical formula, the "means test," that has its genesis in a discretionary equation as determined by the Internal Revenue Service collection standards.

More importantly, this bill, mandates that the bankruptcy court presume abuse exists if the debtor's current monthly income is not less than 25 percent of the debtor's nonpriority unsecured claims. A debtor can rebut this presumption of abuse by demonstrating and establishing "extraordinary circumstances" that require additional expenses or adjustment of income.

This problematic formula will ignore or understate the real day to day expenses and financial circumstances of an honest debtor. Bankruptcy legislation must take into account the specific needs of the debtor, his financial obligations and that individual's ability to pay creditors. This bill unacceptable because it authorizes and compels the bankruptcy court to convert a properly filed Chapter 7 bankruptcy into a Chapter 13 pursuant to an arbitrary and capricious procedure that is harsh and extreme.

Our bankruptcy system may be irreparably damaged as a result of attempting to promote

financial responsibility through a “means test.” The National Bankruptcy Review Commission rejected the means test formula because it will not accomplish its goal—curbing abuse of the bankruptcy system. The “means test” is a mean test because it penalizes honest debtors and their families. The “means test” promotes a cookie-cutter mentality to an individualized problem. Who will advocate for our children—Who will speak for the recipients of alimony payments?

Bankruptcy reform must provide assurances for honest debtors that their decision to file Chapter 7 will be respected and thoroughly reviewed before applying a bright-line artificial mathematical test that will thrust the petition into Chapter 13.

This bill severely restricts the availability of debtors to seek protection utilizing State exemption laws. Since 1939, the Texas Constitution, Article 16, section 50, subsection (a), has provided debtors with a homestead exemption against creditors’ claims. It states, “[T]he homestead of a family, or of a single adult person, shall be, and is hereby protected from forced sale, for the payment of all debts.”

Without application to bankruptcy law—this constitutional provision would have little utility for honest debtors. Whatever happened to the concept that a man’s home is his castle? In Texas, we believe in this principle and we are opposed to any legislation that threatens the viability of this protection.

Mr. Speaker, the entire Texas Delegation has signed a letter expressing concern over the proposed monetary protection limit on the amount of an individual’s homestead. At this time, I would like to introduce a copy of this letter into the RECORD.

Additionally, this bill will create exemptions that are inconsistent with the overall intent and spirit of bankruptcy. Furthermore, honest debtors will be reluctant to file for financial protection because of fear.

We must protect women and children. Over sixty percent of bankruptcy petitioners have been unemployed within a two-year span prior to seeking assistance from the bankruptcy court. Approximately two out of every three petitioners are recently divorced. According to the Consumer Bankruptcy Project, an estimated 300,000 bankruptcy cases involved child support and alimony orders.

Under the existence bankruptcy structure, particularly in Chapter 7, alimony and child support payments survive. Consequently, alimony and child support recipients are almost guaranteed payment because the debtor can discharge other non-secured financial obligations in order to make familiar payments.

We must protect women and children. If we deny access to Chapter 7 to individuals who need this form of protection—debtors who fail to complete the required repayment plan will return to Chapter 7 with a diminished capacity to repay their non-dischargeable debt—including child support and alimony payments. The 1970 Bankruptcy Commission concluded “forced participation by a debtor in a plan requiring contributions out of future income has little prospect for success. Hence it should not be adopted as a feature of the bankruptcy system.”

We must protect America’s families. Most individuals who file petitions in the bankruptcy courts are usually experiencing turbulent times. Financial hardship is a serious matter that deserves legislative reform that is the product of a deliberative process.

We must protect America’s families! This bill, is an extreme bill undertaken at the direction of special interest groups. We must protect working-class families. We must work to find a viable solution that deters abuse of the bankruptcy system while preserving the fresh start for discharged debtors.

We must protect America’s families! It is ironic that the consumer lending industry actively solicits unsuspecting consumers through the mail with terms of easy credit, buy now—pay later rhetoric. After addicting debtors to this “financial crack” lenders are advocating for reform. Of course debtors are responsible for financial obligations that they incur; however, lenders must assume responsibility for their actions in creating the precarious financial crisis we are discussing.

In the 105th Congress, I served as a member of the Subcommittee on Commercial and Administrative law and as a conferee on H.R. 3150, the precursor to the bill being unconsidered under the motion today. Last year, I signed onto the dissenting views of the accompanied report from the committee. The dissents’ conclusion is appropriate in this context:

For nearly 100 years, Congress has carefully considered the bankruptcy laws and legislated on a deliberate and bipartisan basis. In the past, Congress has elected also to carefully preserve an insolvency system, that provides for a fresh start for honest, hard-working debtors, protects ongoing businesses and jobs, and balances the rights of and between debtors and creditors.

Because this motion departs from these historical principles, I will vote in opposition to this legislation.

Another problem that deserves attention by Congress is the area of creditor abuse. The lending mechanisms that currently affords credit to consumers with low to moderate incomes have been faulty and have been marked for restructuring, but no improvement has come. We can not risk the creation of a “two-tier” credit system in this country that generally ignores the interests of individuals at lower income levels.

I am disappointed that the Republican Leadership has chosen to take two steps backwards for every step forward, however, we, in the Democratic party will press forward and work together to find the best way to accomplish these goals for the greater benefit of all of the parties involved in this process.

Finally, I oppose the motion to go to conference however, if the motion passes I support the Nadler motion to instruct to insure an open conference meeting that complies with the rules of the House.

Mr. GEKAS. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the other side for allowing me to speak briefly.

I want to put this debate in the context I think we are missing. We are talking about process, and what I would like to achieve, along with, I

think, most Members of this body, is results. The process we have chosen is legal, it is legitimate, and it follows the rules of this body. I would like to focus Members’ attention on the fact that the bankruptcy reform bill passed 313 to 108, and in the Senate it was 83 to 14.

The reason we are here in the last hours of Congress having to use the process that we have chosen is because a handful of people who want to defeat the will of both bodies have chosen to make it difficult if not impossible without this route. I would associate myself with the comments of the gentleman from Virginia (Mr. BOUCHER). I think the will of the Congress is being expressed in the vehicle we have chosen.

Bankruptcy reform is long overdue in this country to protect people, women and children, to make sure their obligations owed to them are there. This bankruptcy bill protects those who are in need to make sure their payments come before anybody else gets their payments. The bill seeks to reform a system that has been outdated and needs to be brought up to the 21st century standards to make sure that people avail themselves of bankruptcy protection in a fair way and that the business community gets a fair shake.

So I would just say to my colleagues on the other side who are talking about process, we are here in the last hours of this Congress to do as much good for the American people as we can. This bill was passed 313 to 108 in the House, 83 to 14 in the Senate. The vehicle chosen here was chosen because a few people made us do this.

What we have chosen to do here, Mr. Speaker, is legal and follows the rules of the body, and I would ask all of my colleagues who support bankruptcy reform to come to our aid here in the last hours of the Congress and let us do something good for the American consumer and the American business community.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York has 5 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I would like to engage the subcommittee chairman in a colloquy, if I might.

The previous speaker just mentioned that the House passed the bill 313, or whatever, by a wide margin. The House also adopted language that allowed States to opt out of the cap on the exemption of homestead. This is something that the Federal Government has allowed the States to determine since the founding of the country.

What I would ask the distinguished chairman is whether or not the conference report, which we do not know, have not seen, that someone has written somewhere, overrides the will of

the House that overwhelmingly passed the manager's amendment that included this opt out? Does this conference report override State law and State constitution with respect to homestead?

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

Mr. BENTSEN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I cannot predict what the final language will be in the conference by reason of the deliberations of the conference that has yet to take place. It is my intent to press for the States' rights on homestead exemption to remain.

Mr. NADLER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again I urge my colleagues to vote for this motion to instruct and remind them that all it says is that we instruct the conferees that meetings of the conference committee be open to the public and to the media; to be held in rooms selected to maximize the capacity for attendance, that is, in big rooms; and that members of the conference committee be allowed to offer and debate amendments.

Mr. Speaker, I trust that that is a noncontroversial motion to instruct; and if in fact I recall correctly, the chairman of the subcommittee, the gentleman from Pennsylvania, said he agreed with this motion.

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time, and my comments will go to the underlying bill.

Let me just make the observation that we have had three votes on this measure, and it has passed with overwhelming bipartisan support. I think the time for reform really is now.

The fact this bill will stop abusers while protecting those who need it most is important. I think for too many wealthy Americans bankruptcy is becoming the first stop rather than the last resort, and more and more higher-income people are choosing bankruptcy as a financial planning tool, sheltering substantial wealth, while sticking the consumers and responsible borrowers with the tab. That is part of what this is about. They wipe out billions of dollars worth of wealth by doing this. Even one case of bankruptcy fraud or abuse is too many. It takes 33 Americans to pay for one bankruptcy of convenience.

My point is we must restore personal responsibility to our bankruptcy code. We have a trend here that is continuing. Despite economic growth, despite low unemployment, despite rising disposable personal income an exorbitant number of personal bankruptcies are filed every year, many by individuals who have the ability to pay down some or all of their debt. In fact, over the past decade, the number of personal bankruptcies have doubled, and this year more people are projected to

declare bankruptcy than will graduate from college.

Now, this reform helps women and children. Under provisions in the bankruptcy reform conference report, child support and alimony take priority, take priority over all other debts, making it now easier for single mothers to collect child support payments from fathers who would rather walk away from their responsibilities by filing for bankruptcy. Fixing the bankruptcy code and strengthening child support and alimony enforcement go hand in hand in reinforcing personal responsibility.

Let me say that the enormous enhancements to support in terms of this collection remedy make this worthy of support. And those words come from the National Districts Attorney's Association in their support for this measure. Bankruptcy reform enjoys strong bipartisan support.

I will just remind my colleagues of the fact that this legislation was agreed to by both Chambers and would help prevent those who can afford to repay some of their debt from pushing it off on to other hard-working Americans. Once again, I remind my colleagues that the House passed this reform by a margin of 313 to 108 here and by a margin of 83 to 14 in the Senate.

The time for reform is now. Let us move the measure.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. 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.

The vote was taken by electronic device, and there were—yeas 398, nays 1, not voting 33, as follows:

[Roll No. 526]
YEAS—398

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr

Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop
Blagojevich

Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)

Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coburn
Collins
Combust
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)

Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchee
Hinojosa
Hobson
Hoefel
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Insee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalfe
Mica
Millender
McDonald
Miller, Gary
Miller, George

Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder

Spence	Thornberry	Watkins
Stabenow	Thune	Watts (OK)
Stearns	Thurman	Waxman
Stenholm	Tiahrt	Weiner
Strickland	Tierney	Weldon (FL)
Stump	Toomey	Weldon (PA)
Stupak	Towns	Weller
Sununu	Traficant	Wexler
Sweeney	Turner	Weygand
Tancredo	Udall (CO)	Whitfield
Tanner	Udall (NM)	Wicker
Tauscher	Upton	Wilson
Tauzin	Velazquez	Wolf
Taylor (MS)	Visclosky	Woolsey
Taylor (NC)	Vitter	Wu
Terry	Walden	Wynn
Thomas	Walsh	Young (AK)
Thompson (CA)	Wamp	
Thompson (MS)	Waters	

NAYS—1

Souder

NOT VOTING—33

Burr	Frank (MA)	Meehan
Campbell	Franks (NJ)	Miller (FL)
Clay	Goodlatte	Myrick
Clayton	Hayes	Neal
Clyburn	Holden	Pastor
Coble	Holt	Spratt
Danner	Hooley	Stark
DeLauro	Klink	Talent
Eshoo	McCollum	Watt (NC)
Ford	McIntosh	Wise
Fossella	McIntyre	Young (FL)

□ 1820

Mr. SOUDER changed his vote from "yea" to "nay."

Messrs. COBURN, DOOLEY of California and CONDIT changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. Ose). Without objection, the Chair appoints the following conferees:

Messrs. HYDE, GEKAS, ARMEY, CONYERS and NADLER.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4035

Mr. EVANS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4035.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 1999

Mrs. KELLY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2614) to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes, with a House amendment to the Senate amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, ap-

points the following conferees: Mr. TALENT, Mr. ARMEY, and Ms. VELAZQUEZ.

There was no objection.

MCKINNEY-VENTO HOMELESS ASSISTANCE ACT

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be discharged from further consideration of the bill (H.R. 5417) to rename the Stewart B. McKinney Homeless Assistance Act as the "McKinney-Vento Homeless Assistance Act," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5417

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

SECTION 1. DESIGNATION OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.

Section 1 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 note; Public Law 100-77) is amended by striking subsection (a) and inserting the following new subsection:

"(a) SHORT TITLE.—This Act may be cited as the 'McKinney-Vento Homeless Assistance Act'."

SEC. 2. REFERENCES.

Any reference in any law, regulation, document, paper, or other record of the United States to the Stewart B. McKinney Homeless Assistance Act shall be deemed to be a reference to the McKinney-Vento Homeless Assistance Act.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. LEACH) is recognized for 1 hour.

Mr. LEACH. Mr. Speaker, I ask unanimous consent to yield 30 minutes to the gentleman from New York (Mr. LAFALCE) for the purpose of controlling the minority's time.

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

There was no objection.

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

Mr. Speaker, changing the title of a major piece of legislation may seem like a small step for Congress to take, but it has symbolic meaning to the congressional family.

Changing the name Stewart B. McKinney Homeless Act to the McKinney-Vento Act implies putting the names of two of our most esteemed colleagues together, two colleagues who have passed away, the one most recently. Like Mr. McKinney, Bruce Vento devoted his life to the problems of the disadvantaged. He symbolized much as a friend, he symbolized much as a colleague, he symbolized much as a constructive legislator.

I think, though, it is important to note that this particular bill was suggested by our good friend the gentleman from New York (Mr. LAFALCE).

I certainly strongly supported him and am appreciative that our leadership concurred.

Mr. Speaker, I think at this point I would like to turn to the gentleman from New York (Mr. LAFALCE) to outline the causes and background of this bill and certainly to express my strongest support for his initiative.

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

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

Mr. Speaker, first of all I want to thank the gentleman from Iowa. I remember the very first day that the gentleman from Iowa and I discovered that Bruce Vento had incurred cancer. And we talked and we said that Bruce Vento is a very, very special person and we ought to do something very special for him. This is the least we can do.

I love Bruce Vento. I sat next to him for almost 24 years. There are so many things that I could say about him, but maybe more than anything else, Bruce Vento cared. He was a caring, loving human being. He cared about our poor. He cared about our underprivileged. He cared about equal justice. He cared about preserving the beauty of our natural resources. He cared about the rights of consumers. He cared about the future of our Nation's youth. And it is difficult to say what he cared about most. But very possibly he might have cared most about our homeless. And each of these issues, each of these causes has lost a great friend.

Bruce Vento was a great leader, a tireless champion of the poor and the homeless; and he brought such tremendous compassion, intellect, vision, dedication, persistence, tenacity to the work of writing our Nation's laws. It has also been written that all of this to be genius must be accompanied by good sense. And Bruce Vento had good sense which made him a genius of both a person and a legislator.

The bill before us today, cosponsored by each and every member of the Committee on Banking and Financial Services, both Democrat and Republican and countless other Members of this House, would rename the Stewart B. McKinney Homeless Assistance Act the McKinney-Vento Homeless Assistance Act. It is fitting to Congressman Bruce Vento's tireless commitment to the homeless. We will pass this today. I hope it will become law in this Congress.

For 24 years, Bruce was a tireless champion and advocate on behalf of homeless people. And he wrote many if not every law that brings compassion and comfort to our homeless, to our poor and destitute.

□ 1830

Traces of his tireless commitment can be found on any forgotten street in urban America. His commitment can be found in a shelter where families go for a hot meal. His commitment can be found in a vacant building that has

been converted into a place where the homeless can find a bed and a roof over their heads.

There is so much more I would like to say, but so many others wish to speak on this bill and on Bruce's behalf, too. I just want to say one thing. He was blessed, too, with a great staff; and I came to know two of them in particular, Larry Romans and Kirsten Johnson-Obey, and so much of Bruce's legislative record was only possible because of their great ability and work, too. They represent the best of what congressional staff can be, and I know that Bruce looking down on us would feel it very important that we make that statement, too.

I urge everyone to support this bill and honor Bruce.

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

Mr. LEACH. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman from Iowa (Mr. LEACH) for yielding me this time.

Mr. Speaker, I rise with a very heavy heart tonight. I worked a long time with Mr. Vento on the Committee on Banking and Financial Services. We traded back and forth. When the Democrats were in the majority, he was the chairman and I was the ranking; and alternately when the Republicans took charge, but we always tried best to work together for whatever was good for the American people.

This is very little to-do today but much, much necessary to the visible recognition of Mr. Vento's tireless efforts here in this Congress and certainly in improving the lot of the Nation's homeless. So it is very appropriate, even if it is not enough, but it is very appropriate for us to name this the McKinney-Vento bill in recognition of his tireless work.

I will not go into the full explanation. The gentleman from New York (Mr. LAFALCE) has very nicely outlined the work that Mr. Vento has done, but let me give a few other personal observations. He certainly was a major force behind the 1987 law that established the emergency shelter grant program for traditional housing, as the gentleman from New York (Mr. LAFALCE) has outlined; and, of course, his activities on the Committee on Resources are outstanding. I was privileged to work with him closely on the Committee on Banking and Financial Services, and I remember as a relatively new member of the committee when he gave leadership with the Resolution Trust Corporation and the task force.

As I remember it, it was a task force that oversaw the cleanup of the savings and loan debacle of the 1980s. I will say, it was a good example of how Mr. Vento always maintained his standards on behalf of the people; financial integ-

rity and intellectual integrity and personal integrity, and it was a good example of that. But I guess there was never an action that we took on the Committee on Banking and Financial Services, whether it be on homelessness or whether it was on financial modernization or on savings and loan cleanup, his contributions always displayed that he was an advocate for the people to improve their lives. Knowing him as I did, I can say that he had a heart and a soul, and we recognize him today for that.

I guess I also want to say that we did not agree on every issue. There were issues on which we agreed to disagree, but I will say it was a symbol of his stature of integrity and honesty and professionalism that we could always agree to disagree, but there was never any personal bickering or animosity; and there was always the respect of a gentleman and a scholar.

We are going to miss him desperately. I know I am and others in this Congress are going to miss him desperately, but I have to say in addition to what we are doing tonight, I for one am speaking now only for myself, nevertheless recognize the health issues and concerns that are integral to his passing; and I believe that whatever else there is that needs to be done, and there is some unfinished business out there with respect to the asbestos questions with relationship to housing and other uses of asbestos in our communities, but I think we also have to recognize that there has to be renewed effort and research and expanded research, as much as we have done this year on cancer research. But we will have to redirect efforts next year, or rather expand efforts not redirect them, expand them next year, with the recognition of the loss of our beloved and honorable colleague, Bruce Vento.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I would like to join with our chairman of the Committee on Banking and Financial Services and ranking member in paying tribute to Bruce Vento. Bruce was the sort of fellow that was a real legislator, a quiet, gentle man.

I came to the Congress a number of terms after Bruce, but I was always impressed with the fact that he would willingly offer his insights as to how the Congress operated and how we could best serve our constituents. Speaking of constituents, Bruce really had two: that excellent district he represented in Minnesota but also all the needy and homeless people of America. Their benefits over these last many years, although they probably have no awareness of the fact, are to a great deal due to his ever-present desire to see that the American government recognized that there are needs in this country that must be served, and he was their best ambassador and representative to serve those needs. I think it is most fitting that we tie

Bruce Vento to the McKinney Act, because in a way Stew McKinney had some of the same characteristics of gentleness that Bruce had; an able legislator, not a partisan but a person that worked with real integrity. I suspect Bruce and Stew will be in conversation now; and we in the Congress, we in America, are poorer for their passing but inevitably as life makes its cycle we all come to pass.

I am very pleased and honored to join the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) in supporting this resolution, and I hope that we have the full support of the entire Congress.

Mr. LEACH. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman from Iowa (Mr. LEACH) for yielding and this opportunity to speak.

Mr. Speaker, I rise as a cosponsor and strong supporter of H.R. 5417, legislation to rename the Stewart McKinney Homeless Assistance Act as the McKinney-Vento Homeless Assistance Act. To borrow a line from our 16th President, arguably our greatest President, Abraham Lincoln of Illinois, it is altogether fitting and proper that we honor our recently departed colleague, Representative Bruce Vento of Minnesota, in this way. After all, if it were not for Representative Vento and his determined efforts, the Stewart B. McKinney Assistance Act would never have been created.

Bruce Vento was one of the earliest and strongest proponents of enacting a major Federal legislative response to homelessness. His tireless efforts were rewarded with the enactment in 1987 of the McKinney Homeless Assistance Act, but his dedication to homelessness did not stop there. Up until the very end of his life, Representative Vento remained a vocal and true champion of homeless assistance programs. The success of the McKinney Act in helping hundreds of thousands of Americans regain the stability in their life is testament to the foresight, hard work and character of the man who helped to shape this law. In celebration of this success and of the gentleman's distinguished congressional career, it is only fitting that the act on which Bruce Vento worked with such passion is renamed in his honor, and I am very honored to be on this bill.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, it is with a heavy heart that I join my colleagues in adding our colleague, Congressman Bruce Vento's, name to this important legislation. We all knew that some day Members of Congress would stand here in the well of the House to praise Bruce's many accomplishments. It is truly sad that this day has come so soon.

In my years in Congress, I have enjoyed a close working relationship with

Congressman Vento as colleagues on the Committee on Banking and Financial Services. The Committee on Banking and Financial Services deals with some of the most complex issues in all of Congress. Bruce put in the time and mastered the range of complex issues. As a teacher himself, prior to coming to Congress, he became a resource to all committee members, providing counsel on a host of complex issues from financial modernization to intricate housing programs.

All along the way, Bruce served as a tireless advocate for all consumers. He truly stood up for the working people time and time again. He made it his focus to ensure that individual's rights are protected when they do business with the most powerful banks and financial companies in the world. His legacy on the committee and his impact on consumer banking law will live for decades to come. It is truly appropriate that we add his name to this legislation, the aim of which is to aid the homeless. Providing housing for the less fortunate was part of Congressman Vento's daily work. President Clinton said it best yesterday at a White House event saying, and I quote, "that Congressman Vento was a great teacher, a great representative and a wonderful human being."

Let me convey to Congressman Vento's family, his friends, his dedicated long-time staff here in Washington and Minnesota, and to the people of Congressman Vento's fourth district my strongest and heartfelt condolences.

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

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, I want to rise in strong support of this bill, and I commend the chairman and the ranking member for their work on this. The people of Minnesota clearly have suffered a loss in the passing of Bruce Vento, but so have the American people; and also, I think all of his colleagues on the Committee on Banking and Financial Services and his colleagues on the Committee on Resources as well.

I had the opportunity to serve with Bruce for the last 6 years, and I found him as one who could be a mentor, who could be an ally, occasionally he was an adversary but he was always an honorable one in any role that he played.

Having sat through numerous hearings with him, having traveled with him, it is hard to understand the level of institutional knowledge that has been lost in his passing.

I dare say that Bruce Vento's fingerprints are probably on every major piece of financial legislation that has passed this Congress in the last quarter century and every major piece of environmental legislation, national parks

legislation, that has come through this Congress.

We, as American citizens, owe him a great debt of gratitude. Bruce was one who was willing and steadfast in his support of the American consumers, of the average working men and women of this country; of ensuring that their rights were protected; ensuring that our environment was protected, but Bruce was also one that at the end of the day felt it was his role, I believe, as a Member of this House to get something done.

He was willing to reach across the aisle, to reach that bridge across issues that divided members on the committees and in the House, between this body and the other body, to get legislation passed that in the end would do good for the American people.

□ 1845

I just want to say that I think it is extremely fitting that his name be added with McKinney's name to the homeless act, and I commend the chairman and the ranking member for doing that.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to echo the sentiments that have already been expressed by so many on this floor, but also so many throughout America.

I first knew of Bruce Vento through one of his fellow Minnesotans who moved to the community where I live in Chicago, Al Arcello, who was actively involved in prevention programs.

He said to me when I came, you ought to get to know Bruce Vento, and get to know him I did. I got to know him through his work, through observation of his sensitivity and his ability to reach out, especially to those who are sometimes called the least ones in our society, those who are untouchable, unreachable; the homeless, those that we do not always see.

I serve on the board of directors of a homeless newspaper, Streetwise. I can tell the Members, from all of those who sell Streetwise, all of those who have benefited from assistance to the homeless, I say on their behalf, we thank Bruce Vento for reaching out and representing those who oftentimes are left behind and not represented.

Mr. LAFALCE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise this evening in support of H.R. 5417, to rename the Stewart B. McKinney Homeless Assistance Act the McKinney-Vento Homeless Assistance Act.

I am very proud to join with my colleagues in doing this and paying tribute to a very, very great human being, a great legislator, a great and impor-

tant and respected Member of the United States Congress, now deceased.

I am very proud that I have had the opportunity to serve on the Committee on Banking and Financial Services with Mr. Vento. I am very proud and pleased that I came to this Congress at a time when many of the great minds still held forth in this Congress.

Mr. Vento was one of those Members who was an expert in the field of banking and housing and the wilderness. He exemplified the best in what a legislator could and should be all about.

This that we do today is but a small tribute to him, because when we review the tremendous contributions that he has made to this country and to this Nation, one could understand why we would readily want to in some way show our appreciation for all that he has done for all of us.

Mr. Speaker, it was said today when I had a discussion with one of my former staff members that he remembered Bruce Vento because he always concerned himself with these questions: How will this measure impact the environment, and how will this measure impact low- and moderate-income communities?

Mr. Speaker, this is very important to me and to members of my staff. We work for the least of these. We do our best to represent poor people and to represent working people, and to represent folks who do not oftentimes have any way of connecting to the great policy-making bodies, either at the local, State, or Federal level.

So when we see legislators who do not have to necessarily spend all of their time trying to represent working people or poor people, we are extremely appreciative for that. Mr. Vento was such a legislator. The work that he has done, both for the wilderness and the homeless, is appreciated in so many ways.

In 1994, the Wilderness Society honored Bruce Vento with its prestigious Ansel Adams conservation award. That is just, again, a small token for the work that he has done to ensure the continued viability of millions of acres of wilderness lands, forests, and precious national parks from Alaska to American Samoa to the Boundary Waters Canoe Area in Minnesota.

With the preservation of these lands, the Earth itself has prospered from the passion of Bruce Vento. Again, the work that he did for the wilderness and the preservation of our precious national parks was matched by the work that he did defending the rights and humanity of the homeless. He saw his work for the homeless as a defense of human rights.

I am hopeful that what we do here today not only inspires us, but many others yet to come who will some day serve in this body so that they can understand that they, too, can have an impact on the direction of this Nation and of this world; that they, too, can come here with a vision for what is good for this country, what is good for

human beings, and work in ways that will help to better this society.

I join my colleagues here today to say to our friend, our colleague, Mr. Vento, we are going to miss him. We are going to miss all that he has taught us and the ways that he led us, but we are going to remember him in this small way, by the renaming of this legislation. With the renaming of this legislation, the work that he has done will live on and will never be forgotten.

Again, I am very appreciative for the opportunity to have served with Mr. Vento.

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

Mr. Speaker, I would like to just stress a couple of things about the life of Bruce Vento. He was a wonderfully committed legislator who combined compassion with practicality; who had populist concerns, but not a populist hate.

The committee that I served with Bruce on, the Committee on Banking and Financial Services, has jurisdiction over banks and housing and over the economy, in some ways. It is interesting to me that in Bruce's work, he was not against any individuals or institutions.

In fact, he was a liberal Democrat who rather liked banks, especially smaller banks, and especially community banks. He just understood that it was important, if you have a banking system, that that system serves all Americans. So his emphasis as someone in the banking community was never to be against anything, but to be for better ways for banks to serve. That is one reason that he developed such an interest in ensuring that competition was maintained and that investment was maintained in various aspects of our communities.

Part of this relates to the American dream. All of us have various feelings about what the American dream is. One is that it includes a home. Well, issues of the homeless concern people that by definition have been deprived aspects of the American dream. We have all come to understand to some degree, and none of us as deeply as we should, that homelessness is not simply an aspect of someone without a structure. It usually involves a whole group of societal problems. Some of them might be psychiatric, some might be elements that relate to addictions, and sometimes disease itself.

Mr. Speaker, the problems of the homeless came to the attention of Congress rather late. In fact, it is astonishing how little attention public bodies paid to this problem. But because of Bruce, we started to.

About 13 years ago, finally the law was enacted. When that law was enacted, and a number of people had roles in ensuring that it came about, Bruce led the way. Then, as it was about to be enacted, it was revealed that one of our Members, this one on the Republican side, who was a man of some substance but had an ailment, in this case an ail-

ment sometimes identified with the homeless, he got pneumonia related to a social disease called AIDS.

This Republican stood up for people that had problems sometimes analogous to his own, sometimes much more serious. Bruce Vento suggested that the bill be named for him; that is, it was Bruce Vento's idea and his argument that this initiative that came largely from the majority party, the then the majority party, the Democratic Party, would be named for a Republican, Stewart McKinney.

I think nothing could be more appropriate, as we look at the life of Bruce Vento, a man who had a disease related to a different kind of social problem, one that relates to industrialization, asbestos, that he should have his name associated with the McKinney bill, which was actually from the beginning more a Vento bill. So this became the Vento-McKinney bill.

I would also like to comment as someone who, from a more distant perspective, followed the career of Bruce in his advocacy of our national park system.

Bruce basically picked up the cudgels of the Udall family and has become the greatest congressional champion of our national park system. Part of this which is interesting to me is not only the issue of parks and their role in society, but parks stand in the American dream not only with the notion of the West and the great body of forest and mountains that is our country, but they are basically second homes available to all Americans, whether those Americans actually earned them or not at a particular moment in time. They are refuges for everybody.

In a way, the national park system that Bruce was such a champion of was a home circumstance. So Bruce Vento leaves as his mark on this body not only the notion of standing up for concerns for the homeless, but also for ensuring that all Americans have a second home at any point in time within our national parks.

Finally, let me just conclude with a couple of observations of a very personal level. Bruce was a very committed individual with an absolutely infectious laugh. He also had a very sardonic wit, particularly to those he opposed. Sometimes my party was more the beneficiary of the second than the first.

But interestingly, in this era in which we talk about nonpartisanship and bipartisanship, Bruce gave a very good name to the word "partisan." Bruce was a partisan Democrat, but he was always with decency and always with humor, always with a sense of perspective. This is one of the things so many of us loved very much about Bruce.

□ 1900

Finally, I would like to echo a comment that my good friend, the gentleman from New York (Mr. LAFALCE), made about a staff member, because I

think it symbolizes a great deal. The congressional family is a wide family and Larry Romans who worked with Bruce was as much an alter ego as anyone could be. On legislation, he certainly played a larger role than most Members of Congress. I think that is something that only Members of Congress truly understand.

So our heart goes out to Bruce's family, his three kids, his wife, and also his staff.

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

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

Mr. Speaker, I think we have heard just a few of the sentiments that the Members of Congress have, feel, share about our beloved brother Bruce. The words of the gentleman from Iowa (Mr. LEACH) were especially eloquent. I thank the gentleman for making them so eloquently, and I know Bruce appreciates them.

When I think of the accomplishments of the past two Congresses when I have had the pleasure of serving as either the de facto or de jure ranking member, none of them would have been possible without Bruce. When we think of credit union reform, I did not attend a meeting in my office without Bruce Vento by my side.

When I think of the meetings that we had on what some have said is the pre-eminent legislative enactment to this Congress, the financial services modernization, the Graham-Leach-Bliley bill, it would not have happened without Bruce, the ranking member of the Subcommittee on Financial Services and Consumer Credit, because it required understanding and it required compromise and it required tenacity and goodwill, balance, perseverance; and it was essential that Bruce be there. It would not have happened if Bruce had opposed it.

It would not have been shaped the way it was without Bruce helping to shape it; that is the business side of the job. That is extremely important, but there are so many other things that go into this Congress, the intangibles, when we get to know an individual. I probably knew Bruce as well as I knew anybody in this body.

I have been on a few trips in my tenure in Congress. I never went on a trip when I did not ask Bruce to come with me. He came with me most of the time. One of the great values of the trips is not just learning about other countries and other people, but coming to know your colleagues, too; and we came to know each other so very well.

We shared so many things together: shared values, shared meals, shared wine. We shared a common heritage not just as Americans, but as Italian-Americans, and Bruce was so proud of that heritage. He knew how to live and he knew how to die, and he lived right.

He worked hard and he played hard. He worked by the rules. He played by the rules. He knew how to be ferocious. He knew how to laugh. Traveling with

him was always a great pleasure because we knew he worked and worked hard, so we could be proud of the trip; but we knew that he would love it and make it an enjoyable trip the entire way, too.

Bruce started out his career as a teacher and then he came to Congress, but throughout his entire congressional career, he taught us a great many things. For most of his 24 years, he taught us how to live, and for the last 6 months or so he taught us how to die. We honor ourselves when we honor Bruce by naming this homeless bill the McKinney-Vento homeless bill.

Mr. Speaker, I insert the following article for the RECORD:

BRUCE VENTO: JUST ANOTHER GUY FROM THE EAST SIDE WHO WENT ON TO DO GREAT THINGS

(By Garrison Keillor)

There was a dinner in Washington, D.C., Tuesday night to honor a guy from St. Paul's East Side.

The president dropped by and dozens of U.S. representatives, Republicans and Democrats. And at the end, when the guy from the East Side stood up to say his piece, he got a long, long standing ovation. You could have gone around the room and stolen everyone's dessert, they were so busy applauding him.

Congressman Bruce Vento, a modest man and a hard worker, is stepping down after 24 years representing the 4th Congressional District, and I must admit I voted for him all these years because I'm a yellow-dog Democrat and he's a Democrat. So now I'm a little taken aback to see what a good man he is who I unthinkingly supported all these years.

This isn't how our civics teachers taught us to exercise the franchise, but a person doesn't have oceans of time to study up on candidates. I sure don't. I heard Mr. Vento speak once years ago, speak very movingly about the problem of homelessness and about the importance of wilderness, and that was good enough for me. But if he had stood on his hind legs and barked, I still would have voted for him.

Wilderness preservation and the plight of the homeless are not issues that pay a big political bonus. You become a wilderness advocate and you're going to be hung in effigy and yelled at by large men in plaid shirts. Homeless people tend not to turn out in numbers at the polls.

But Mr. Vento applied himself to the issues he cared about, did his homework, made the rounds of his colleagues, carried the water, dug the ditches, fought the good fight, made the compromises, and wrote the landmark legislation that became law and that made a real difference in the world. And I'm not sure how many of us in St. Paul are aware of this.

There have been only three congressmen from St. Paul in my memory, and that covers 50 years. Gene McCarthy, Joe Karth, Bruce Vento—all DFLers, all good men and all of them got to Congress on the strength of yellow-dog Democrats like me. They got re-elected simply by doing their job, representing working people, speaking the conscience of the Democratic Party, and applying themselves to the nuts and bolts of Congress.

A political party serves a big function that TV or newspapers can't. It pulls in idealistic young people, puts them to work in the cause, trains them, seasons them, and gives the talented and the diligent a chance to rise. If it can produce a Bruce Vento, then a party has reason to exist, and if it can't, then it doesn't. Simple as that. Then it fades, as the DFL has.

People say it's inevitable for political parties to fade, part of the loss of the sense of community, blah blah blah, that people are cynical about politics and more interested in lifestyle and media and so forth, but we are poorer for the loss of parties and the devaluation of endorsement.

Bruce Vento never could've gotten elected in a media-driven campaign, the sort in which high-priced consultants and media buyers spend 15 million bucks to make the candidate into a beautiful illusion.

Mr. Vento is the wrong man for that kind of politics. His eyebrows are too big; he isn't cool enough. He is a modest and principled and hard-working guy, but you couldn't put this over in a 30-second commercial. He managed to get to Congress because there was a strong DFL party that endorsed him, and so voters like me pulled the lever and gave Mr. Vento the wherewithal to be a great congressman. Which he, being a true East Sider, never told us he was. But which I now think he was.

Unknowingly, we did something great in sending him there. And our partisan loyalty gave him the freedom to take on thankless tasks, like protecting wilderness and dealing with the homeless.

I sat in the back at Mr. Vento's dinner and thought what a shock it is when you realize that the country is in the hands of people your own age. You go along for years thinking it's being run by jowly old guys in baggy suits and then you see that the jowly old guys are people you went to school with.

Mr. Vento is about my age, and I feel for him. He is fighting lung cancer and it has taken its toll on him. He looks haggard but game.

His three boys were at the dinner in Washington, and their wives, and the event felt like a real valedictory. If Mr. Vento had wanted to make us all cry into our pudding, it wouldn't have taken much.

But he was upbeat and talking about the future and about national parks and the decoding of the human genome and saying, "All we need to do is take this new knowledge and apply it to public policy," and thanking everybody and grinning, and you had to admire him for his command of the occasion.

A man who is desperately ill and on his way out of public life stages a dinner that raises money for a scholarship fund for teachers. Bruce Vento is a man of great bravery and devotion and foresight who represented us nobly in Congress, whether we knew it or not.

Mr. GEPHARDT. Mr. Speaker, today, we say goodbye to a good friend and colleague, Bruce Vento.

Bruce was a humanitarian in every sense of the word.

He called environmental issues his one "true passion" and he pursued that passion in a way that lifted up all Americans.

He was a strong leader in the Committee on Resources with a keen understanding of environmental issues.

He worked to protect and strengthen America's national treasures—our urban parks, our public lands, and other public resources, and he fought for tropical rain forests and the Arctic National Wildlife Refuge.

He believed in making our country not just a wealthy country but a beautiful country, marked by forests, rivers, mountains and streams that all American could visit and enjoy.

Bruce was "a hero" who had "done more for parks than anyone I know," one of his fans said of him.

Bruce was also special because he cared so very deeply about all people and the sanctity of the places in which they lived.

He earned a reputation as a strong advocate for the homeless, and it was well-deserved. He tried to lift people up through better housing and emergency shelter, a powerful reminder that this country should not leave behind anyone.

Bruce spend the last decade working for the Hmong people who fought on the side of the United States in the war in Vietnam, and who were trying to become citizens of our country.

He was also a tireless advocate for consumer protections as a senior member of the Banking and Financial Services Committee.

A strong voice for his constituents, a beloved son of the state of Minnesota, Bruce represented that state's 4th district with dedication and commitment to his party and to the people he represented.

Bruce and I entered Congress in the same year and my journey through this institution is bound with Bruce's journey. I am proud to say that I had a wonderful colleague, a good friend, and a man who will be sorely missed not just by me, but by a nation that prides itself on a commitment to democratic values, a safe environment and humane treatment for every American.

We will miss you Bruce.

Mr. LAZIO. Mr. Speaker, I rise today with a heavy heart as the House pays tribute to the distinguished work of our friend and colleague, Bruce Vento.

It is appropriate that we recognize his lifelong work as a champion of the homeless by renaming the "Stewart B. McKinney Act" the "McKinney-Vento Homeless Assistance Act." In 1987, it was Bruce who led the efforts to enact a comprehensive homeless assistance program, named after his late colleague and friend, Stewart McKinney, then the Ranking Republican on the Housing Subcommittee.

I am privileged to have worked closely with Bruce over the last several years, in particular, on homeless reform legislation designed to focus efforts on permanent housing and the hope of ending homelessness forever. As the Chairman of the Subcommittee on Housing and Community Opportunity, I have known no other that has been more sincerely dedicated to the problems associated with homelessness and families in need of affordable housing. He will be missed.

Life is fleeting, for us all. But what we do while we are here can affect so many and have such a lasting impact. Bruce's tireless work has made and will continue to make a real difference in countless lives of those less fortunate.

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

The SPEAKER pro tempore (Mr. TANCREDO). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, passed, and the motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks on H.R. 5417.

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

There was no objection.

MODIFYING RATES RELATING TO REDUCED RATE MAIL MATTER

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2686) to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. DAVIS of Illinois. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York (Mr. MCHUGH) to explain his request.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I will try to be very brief, but I do think it is important to put out for the RECORD a few comments about this bill. It is a privilege. The Senate passed this legislation on October 6, and it was sponsored in the other body by the chairman of the Subcommittee on International Security Proliferation and Federal Services, the gentleman from Mississippi (Mr. COCHRAN), and cosponsored by all members of that subcommittee.

I would also note, Mr. Speaker, that an exact similar provision was introduced in this body, in the House, by the gentleman from Pennsylvania (Mr. FATTAH), the ranking member on the Subcommittee on Postal Service, a cosponsorship of which was also entered by many Members of this body. So although we are proposing tonight to adopt under unanimous consent the Senate bill, I want it very clearly noted that it in no way represents a lack of interest or activity in this House. Simply put, this is an extremely important piece of legislation to ensure the financial viability and survivability of nonprofit mailers, the kinds of nonprofit mailers that all of us have and enjoy in our communities, churches, charitable organizations, educational publications, and so many others.

This is based on a very technical concern that arises out of a recent rate case for the United States Postal Service. Simply put, through the evolution of rates-setting for not-for-profit mailers who have historically enjoyed a somewhat lesser rate for mailings, for very good reasons, in my judgment, than, say, commercial mailers, this rate case produced some aberrations and some unusual circumstances that, if enacted and if allowed to go forward, would have had a very serious impact on the profitability of not-for-profits,

also on the ability of those very important organizations to reach out to their membership to disseminate important information with respect to their activities, and, of course, to engage in fund-raising that is vital to their continued existence.

This bill, the Senate bill, S. 2686, provides relief to the category of mail that provides for these kinds of materials, also for educational magazines, for students in kindergarten through high school.

I think they are the type of publications even someone of my rather advanced years remembers from my days in grammar school and through high school and continue today in their importance in education purposes in our schools.

This legislation provides that both nonprofit mailers and classroom publications receive the same treatment and thereby ensuring that future rate increases for both of these important mailers are predictable.

I want to note that I certainly strongly support the recommendation in the report language attendant to the Senate bill that the rates coming out of this step would be monitored to evaluate the impact postal rates have on the general economic capability of these mailers to determine if there might not be some future and more fundamental resolution to the concerns of particularly classroom publishers.

The postal service, in my view, and in the view of the language attendant thereto, must certainly work to help examine alternatives to ensure that those postal rates for the invaluable classroom periodicals and teachers' guides remain at a price that ensure their availability and affordability to all classrooms.

It is also important to note, lastly, Mr. Speaker, that this bill contains a provision that would alleviate the potential impact deriving from the changes herein on regular rate payers, the folks that use the mails each and every day for their important business, for their correspondence in rate cases before the postal rate commission.

Simply put, the provisions in the bill provide that the estimated reduction in postal revenue from nonprofit categories caused by this legislation on the new rate-making rules is to be treated as reasonably assignable costs of the postal service, and that simply means that those costs should be apportioned among all of the various classes of mail and types of postal services in accordance with the existing provisions as they are contained in the United States Code title 39.

It is a very technical way of saying, Mr. Speaker, that this cost in providing assistance for not-for-profit and educational materials will not be exclusively borne by the folks out there buying the 33 cent stamp into the future. If we did not do this and if we did not take this step, Mr. Speaker, we would simply find that rates for non-profits would have of necessity and

under the pending rate case soar up to 35 percent and more in some cases. Obviously, as I mentioned earlier, that kind of increase would make the essential viability, the primary existence of these invaluable services, really bring it into question.

Mr. Speaker, I think the Senate has done good work here. As I mentioned, because of the hard work of the gentleman from Pennsylvania (Mr. FATTAH) and so many others in the House, we have an exact similar provision, and I think it is wholly appropriate that we through this process of unanimous consent accept the Senate language tonight. I thank the gentleman from Illinois (Mr. DAVIS), a very valuable Member of the House Subcommittee on the Postal Service, for yielding to me.

Mr. Speaker, it is my privilege to speak in support of S. 2686. The Senate passed this legislation on October 6. It is sponsored by the chairman of the Subcommittee on International Security, Proliferation, and Federal Services, and cosponsored by all members of that subcommittee.

This is legislation is extremely important for the financial viability and survival of nonprofit mailers, such as churches, charitable organizations, education publications and others. It addresses technical problems in the setting orates for nonprofit mailers. Essentially, it locks in the current rate relationship between nonprofit and commercial rate mail.

The history of special rates for nonprofit mail rates dates back prior to the Postal Reorganization Act of 1970. They were known as "preferred" categories and included Nonprofit and Classroom Periodicals; Nonprofit Standard (A) Mail; Library and Educational Matter; and In-county Publications. These categories were entitled to reduced rates of postage under those postal laws, and the Postal Reorganization Act continued the preferred rates for these categories. After a certain period of time, these categories of mail were required to cover their attributable costs, but they were not required to cover any institutional costs, as required of other categories of mail. Congress made annual appropriations to reimburse the Postal Service for the "revenue forgone" reimbursement which was the difference between the revenue received from preferred mailers and the revenue that would have been received if the reduced rate provisions had not been enacted. However, in 1993, Congress enacted the Revenue Forgone Reform Act as a deficit reduction measure, ending the annual federal (taxpayer) subsidy for preferred rates of postage and providing for a more equitable apportionment of institutional cost among regular- and reduced-rate mailers. It was designed to gradually phase in the increases for reduced-rate mailers, ending in 1998. At the end of the process, the institutional cost for preferred rate was to equal half of the institutional cost of the comparable commercial rate, thereby ensuring that reduced-rate mailers continued to contribute to institutional costs.

The application of this new formula had some problematic effects and there were significant rate swings because of underlying costs. The "one-half mark up rule" as it was known, made it difficult for the Postal Service and the Postal Rate Commission to alleviate the price effects of cost changes for reduced-

rate mailers. If costs for a nonprofit subclass changed significantly, the rates also followed suit because the mark up could not be reduced to lessen the impact of the cost, as it available to prevent rate changes in commercial subclasses. Therefore, cost changes translated into rate changes.

An aberration occurred for Nonprofit and Classroom Periodicals because the complexity of the rate structure and the low markup for commercial subclass could yield rates that were lower for a commercial publication than for a similar nonprofit publication. The provision enacted to help nonprofit mailers, the one-half mark up rule, made it difficult to create a remedy.

S. 2686 provides relief to the category of mail that provides educational magazines for students in kindergarten through high school. Undoubtedly this type of publication is essential and important in classrooms. The legislation provides that nonprofit periodicals and classroom publications receive the same treatment. Therefore, it would ensure that future rate increases for both categories are predictable. I support the strong recommendation in the report language, which accompanied S. 2686, that the rates be monitored to evaluate the impact postal rates have on the economic capability of these mailers and to determine if there is a need for more fundamental resolution to the rate concerns of classroom publishers. Additionally, I agree that the Postal Service must examine alternatives to help ensure those postal rates for classroom periodicals and teacher guides remain at that price that ensures their availability and affordability to all classrooms.

Discrepancies were found for Standard (B) publications. The classification for Library and Educational Matter overlaps with the classification known as Special Standard Mail. Both classifications contain books and sound recordings but Special Standard Mail does not require either the mailer or the recipient to be a library, educational institution, museum, herbarium, or nonprofit institution. The relatively small volumes in the Library and Educational matter category make it difficult to collect adequate ratemaking data.

These problems are addressed in S. 2686 by locking in the current rate relationship between nonprofit and commercial rate mail. This is accomplished by setting Nonprofit Standard (A) rates to equal, as nearly as possible, 60% of the estimated average revenue per piece from the corresponding regular-rate subclass. Nonprofit and Classroom Periodicals would be set so that postage on each mailing would be, as nearly as practicable, 5% lower than the postage for a corresponding regular-rate mailing. But, this discount would not be available to the advertising portion of a mailing if it exceeded 10% of the publication. Library and Educational Material rates would be set so that the postage on each mailing would be, as nearly as possible 5% lower than the postage for a corresponding regular-rate mailing.

Additionally, this legislation contains a provision to alleviate the impact of the changes on regular-rate payers in the postal rate case before the Postal Rate Commission. Under this provision, the estimated reduction in postal revenue from Nonprofit Standard (A) mail caused by the enactment of the new ratemaking rules is to be treated as a reasonably assignable cost of the Postal Service to be apportioned among the various classes of mail

and types of postal service in accordance with existing provisions in title 39 of the United States Code.

Should this legislation not be enacted we would find that rates for nonprofit mail would of necessity, under current law and under the pending R-2000-1 case before the Postal Rate Commission, soar up to 35% and more in some cases. These recommendations would cause some nonprofit rates to be higher than commercial rates in that category. The passing of S. 2686 would affect positively all those nonprofit and educational organizations that we all care about so deeply. It would bring relief to nonprofit mailers and would protect them from double-digit increases in postal rates. I urge all our colleagues to support this very important legislation.

Mr. DAVIS of Illinois. Mr. Speaker, further reserving the right to object, I join in this unanimous consent request and would like to thank the gentleman from New York (Chairman MCHUGH) and his staff, Robert Taub and Hea Vazirani-Fales, for their hard work in ensuring the compromise on this matter, also Ed Gleiman for his efforts to keep Congress focused on fixing the problem, Neil Denton of the alliance for keeping the coalition together and on track. And even in the face of last minute challenges, the postal service for being proactive, and Nanci Langley, deputy minority staff director for the Senate Subcommittee on International Security Proliferation and Federal Services for all of her help and support.

Mr. Speaker, I also commend and thank the gentleman from Illinois (Mr. BURTON), chairman of the Committee on Government Reform, for keeping all of the parties together for the good of the nonprofit community.

As was indicated, this legislation was approved by the Senate on October 6. It is identical to H.R. 4636, of which I am also pleased to be an original cosponsor.

Of course, this legislation would change the way that postal rates are set for nonprofit periodicals, Standard A and library rates. Essentially, it would lock in the current rate relationship between nonprofit rates and their commercial rate counterparts.

For nonprofit periodicals, this would mean a 5 percent discount off the non-advertising portion of the commercial rate. For nonprofit Standard A, rates would be calculated to reflect the roughly 40 percent discount. Library rates would enjoy a set 5 percent discount off the special standard rates.

□ 1915

The bill is obviously good. It is necessary, because the formula passed in 1993 has become ineffective. In fact, the U.S. Postal Service has difficulty measuring the costs attributed directly to nonprofit mail, so the costs have been steadily rising.

This year, the U.S. Postal Service admitted that its data did not adequately represent certain categories of nonprofit mail's real costs. The legislation would positively change the approach to setting nonprofit rates. If passed,

nonprofit rates would be a percentage of the commercial rates, therefore ending the reliance of inaccurate costing figures.

Nonprofit and noncommercial mail costs would always be compiled and counted together, greatly improving the accuracy and reliability of the Postal Service data and stabilizing nonprofit rates.

As was indicated, the legislation is supported by the U.S. Postal Service, the Alliance of Nonprofit Mailers, the Magazine Publishers of America, the Direct Marketing Association, the Association for Postal Commerce and numerous other organizations.

I am pleased and delighted that we have been able to work together in such a nonpartisan way under the leadership of the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member. I thank both of them for the leadership that they have provided to the Subcommittee on Postal Service this past session and certainly wish them well as we get ready to close and look forward to working with them again next year.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TANCREDO). Is there objection to the request of the gentleman from New York.

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2686

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

SECTION 1. SPECIAL RATEMAKING PROVISIONS.

(a) ESTABLISHMENT OF REGULAR RATES FOR MAIL CLASSES WITH CERTAIN PREFERRED SUBCLASSES.—Section 3622 of title 39, United States Code, is amended—

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

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

“(c) Regular rates for each class or subclass of mail that includes 1 or more special rate categories for mail under former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title shall be established by applying the policies of this title, including the factors of section 3622(b) of this title, to the costs attributable to the regular rate mail in each class or subclass combined with the mail in the corresponding special rate categories authorized by former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title.”.

(b) RESIDUAL RULE FOR PREFERRED PERIODICAL MAIL.—Section 3626(a)(3)(A) of title 39, United States Code, is amended to read as follows:

“(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358 of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

“(i) the estimated costs attributable to such class of mail or kind of mailer; and

“(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).”.

(c) SPECIAL RULE FOR NONPROFIT AND CLASSROOM PERIODICALS.—Section 3626(a)(4) of title 39, United States Code, is amended to read as follows:

“(4)(A) Except as specified in subparagraph (B), rates of postage for a class of mail or kind of mailer under former section 4358 (d) or (e) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate category mailing.

“(B) With respect to the postage for the advertising pound portion of any mail matter under former section 4358 (d) or (e) of this title, the 5-percent discount specified in subparagraph (A) shall not apply if the advertising portion exceeds 10 percent of the publication involved.”.

(d) SPECIAL RULE FOR NONPROFIT STANDARD (A) MAIL.—Section 3626(a) of title 39, United States Code, is amended by adding at the end the following:

“(6) The rates for mail matter under former sections 4452 (b) and (c) of this title shall be established as follows:

“(A) The estimated average revenue per piece to be received by the Postal Service from each subclass of mail under former sections 4452 (b) and (c) of this title shall be equal, as nearly as practicable, to 60 percent of the estimated average revenue per piece to be received from the most closely corresponding regular-rate subclass of mail.

“(B) For purposes of subparagraph (A), the estimated average revenue per piece of each regular-rate subclass shall be calculated on the basis of expected volumes and mix of mail for such subclass at current rates in the test year of the proceeding.

“(C) Rate differentials within each subclass of mail matter under former sections 4452 (b) and (c) shall reflect the policies of this title, including the factors set forth in section 3622(b) of this title.”.

(e) SPECIAL RULE FOR LIBRARY AND EDUCATIONAL MATTER.—Section 3626(a) of title 39, United States Code, as amended by subsection (d) of this section, is amended by adding at the end the following:

“(7) The rates for mail matter under former sections 4554 (b) and (c) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate mailing.”.

SEC. 2. TRANSITIONAL AND TECHNICAL PROVISIONS.

(a) TRANSITIONAL PROVISION FOR NONPROFIT STANDARD (A) MAIL.—In any proceeding in which rates are to be established under chapter 36 of title 39, United States Code, for mail matter under former sections 4452 (b) and (c) of that title, pending as of the date of enactment of section 1 of this Act, the estimated reduction in postal revenue from such mail matter caused by the enactment of section 3626(a)(6)(A) of that title, if any, shall be treated as a reasonably assignable cost of the Postal Service under section 3622(b)(3) of that title.

(b) TECHNICAL AMENDMENT.—Section 3626(a)(1) of title 39, United States Code, is amended by striking “4454(b), or 4454(c)” and inserting “4554(b), or 4554(c)”.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their re-

marks and include extraneous material on S. 2686.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair redesignates tomorrow, Thursday, October 12, as the time for further proceedings on the seven motions to suspend the rules that were debated on Tuesday, October 10, on which further proceedings were postponed.

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.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNIVERSITY OF CALIFORNIA SANTA BARBARA SCIENTISTS RECEIVE NOBEL PRIZES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise today to pay tribute to excellence on the campus of the University of California at Santa Barbara.

As Members of the House may know, the Nobel Prizes for chemistry and physics were awarded this week to two brilliant members of this wonderful university in my congressional district. I want to take this opportunity to congratulate Professors Alan Heeger and Herbert Kroemer for their outstanding work.

Herbert Kroemer, an engineering professor, was awarded the Nobel Prize for Physics for helping to develop cutting edge laser technology. This technology is widely used today in the Internet's fiber optics network and consumer goods like CD players, bar code readers and laser pointers. His work has given us the communication tools that are powering our new economy and helping America to dominate the world in technology.

Professor Kroemer has been at UCSB since 1976. Prior to that, he worked in research labs in the United States, in Germany, and at the University of Colorado.

Arriving at UCSB, he persuaded his department to focus its research efforts on emerging compound semiconductor

technology and helped the University to become a leader in this field. We are grateful for his foresight and dedication.

Physics Professor Alan Heeger won the Nobel Prize for Chemistry. Many people believe that his work on electrically conducting plastics will revolutionize computing. It is expected that this new field of chemistry will provide ways to produce flat-screen TVs, plastic roll-up computer screens, and molecular computers smaller than watches.

Professor Heeger has been at UC Santa Barbara since 1982. He has also taught at universities in Pennsylvania, Utah, and in Geneva. He has won numerous awards, including an Alfred P. Sloan Fellowship and a John Simon Guggenheim Foundation Fellowship. His lifetime dedication and work has developed a new field of study, and enormous new opportunities, at the intersection of physics and chemistry.

A member of the Royal Swedish Academy of Sciences noted that these two prizes are about the electronics of today and the electronics of the future. I certainly agree.

Mr. Speaker, these two gentlemen reflect the high quality of research and instruction found throughout the University of California system and especially in my heart at the University at Santa Barbara.

UC Santa Barbara Chancellor Henry Yang noted yesterday that Professors Heeger's and Kroemer's work are examples of the kind of interdisciplinary research that are a hallmark at this campus, UC Santa Barbara. I know that the central coast of California reaps the benefits of this wonderful institution on a daily basis.

I have a long history with UC Santa Barbara. My husband was a religious studies professor there for more than 30 years, and that was before he came here to Congress. I received my master's in education there a few years back, and our son is also a graduate of UC Santa Barbara. Many of my staff were students there as well. It is a wonderful institution which has opened the doors of opportunity to millions of people, both young and old.

Mr. Speaker, I congratulate Professor Kroemer, Professor Heeger for this tremendous recognition and for the extremely wonderful contributions they have made to the University of California at Santa Barbara and to our society. The entire central coast is proud of their achievements and proud that they call UCSB home.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr.

FALEOMAVAEGA) is recognized for 5 minutes.

(Mr. FALEOMAVAEGA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

(Mr. HOLT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO THE HONORABLE RALPH REGULA

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, I rise to pay tribute to the gentleman from Ohio (Mr. REGULA), my good friend and colleague.

The gentleman from Ohio has served with distinction for the past 6 years as the chairman of the Subcommittee on Interior of the Committee on Appropriations. During that time, he has worked tirelessly to make Federal programs work better for the American public. From day one, the gentleman from Ohio (Chairman REGULA) rolled up his sleeves and got to work identifying critical issues that needed to be addressed, has, throughout his chairmanship, asked tough questions on how the taxpayers' money is being used and how effectively the Federal bureaucracy is working.

The Subcommittee on Interior of the Committee on Appropriations funds all the National Parks, the National Forests, Wildlife Refuges, and public lands in this country. Those lands comprise more than one-third of the land base in this country.

The subcommittee also has funding responsibility for American Indian and Alaskan Native programs, critical energy research, and many cultural programs such as the Smithsonian Institution.

When the gentleman from Ohio (Mr. REGULA) took over as chairman of the subcommittee in 1995, he immediately focused on targeting critical core programs for funding and eliminating programs that had outlived their usefulness or were duplicative of other efforts. As a result, five agencies were eliminated, and over 50 other programs were terminated.

The gentleman from Ohio has stood by his philosophy that some programs must be done, others are important to do, and still others may be worthy for

consideration to the extent that funds are available.

The gentleman from Ohio's trademark "must do," "need to do" and "nice to do" categorization has continued throughout his tenure as chairman and has made the Interior appropriations bill a balanced and admirable product each year.

The gentleman from Ohio (Mr. REGULA) recognized 6 years ago that the agencies funded by the Interior bill were accumulating large maintenance backlogs and that efforts to start new programs and expand existing ones were exacerbating a \$15 billion maintenance backlog program. New programs are politically very popular, and the gentleman from Ohio took a brave stand in holding the line on new programs in order to, in his words, "take care of what we have."

In addition to the annual appropriations process, the gentleman from Ohio (Mr. REGULA) has held an unprecedented 26 oversight hearings to identify long-standing critical program problems and needs and has taken action to fix those problems and those needs.

The gentleman from Ohio (Chairman REGULA) has never shied away from controversy. He highlighted major problems with the National Park Service construction program, including a \$1 million rest room construction and a bloated centralized construction bureaucracy that discouraged cost containment and the use of local expertise. He put a stop to the excessive spending and dramatically pared back the Denver Service Center that controlled the construction program.

He held two hearings on the South Florida Restoration Initiative, which deals with restoration of the Everglades, and identified major cost overruns. His efforts uncovered the lack of a strategic plan for this 20-year multi-billion dollar program.

As a direct result of the gentleman from Ohio's scrutiny, this program is being managed more cost effectively, and individual projects are being integrated into a focused long-term strategy.

To address the maintenance backlog on our public lands and in our Federal museums, art galleries and Indian lands, he instituted an aggressive maintenance funding effort and minimized new land acquisitions and new programs in order to pay for this long overdue maintenance initiative.

One of the highlights of his tenure as chairman is his creation of a national recreation fee demonstration program for our parks, forests, wildlife refuges and other public lands. Under that program, the fees that are collected go right back into on-the-ground improvements to provide for visitor safety and enjoyment on our public lands.

To date, over \$500 million in fees have been collected to supplement the increased funding provided through appropriations. These fees have been used for services to benefit visitors to our public lands and to preserve the tax-

payers' investment in these lands for generations to come.

Other tough issues the gentleman from Ohio (Chairman REGULA) has addressed include critical financial management reform in the Forest Service to correct financial mismanagement in the Forest Service; trust management reform in the Bureau of Indian Affairs; and the need for a coherent and responsive National Energy Strategy that includes cooperation among the Federal Government, industry and the States.

He was ahead of his time on the energy issue. The need for a national energy strategy has been highlighted over the past year as fuel oil and natural gas prices have risen dramatically and certain parts of the country are experiencing electric power shortages.

The staff members of the Subcommittee on Interior have asked me to convey their respect and heartfelt admiration for the gentleman from Ohio (Chairman REGULA). They include Debbie Weatherly, Loretta Beaumont, Joel Kaplan, Chris Topik, Angie Perry, Andria Oliver and Steve Glomb. They join me in our beliefs that the gentleman from Ohio (Chairman REGULA) is a truly great man who stands by his beliefs and has the courage to do the right thing.

As the gentleman from Ohio concludes his 6th year as chairman, the people of this country have much to be grateful for as a direct result of his leadership and tireless efforts on their behalf. I join everyone in this Chamber in giving our great expression of support and admiration for the gentleman from Ohio (Chairman REGULA).

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

(Mr. NADLER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

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

There was no objection.

OPPOSING THE SALE OF ATTACK HELICOPTERS TO TURKEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I rise today to voice my fierce opposition to the sale of 145 Bell-Boeing attack helicopters to Turkey, as planned by the administration.

First and foremost, there is simply no need to proceed with this sale. Turkey is already the most militarized state in that region, and it has the second largest army in NATO after the United States. Despite these facts, Turkey plans to spend \$150 billion over the next 25 to 30 years on military weapons; and it plans to implement the first \$31 billion phase in the next 10 years. This money could be better used to build schools, hospitals, or housing for the victims of last year's destructive earthquake. Mr. Speaker, the list is endless.

Previous experience leaves no room for any optimism regarding legitimate use of such weaponry by Turkey. Quite the contrary, the record shows that the Turkish military has consistently failed to distinguish between civilian and military targets. For the last 16 years, the Turkish military has been using American weaponry, most notably attack helicopters, to kill more than 30,000 civilians, destroy over 2,000 ethnic Kurdish villages and displace more than 2½ million ethnic Kurds.

□ 1930

The Turkish military has misused its equipment even though its government has signed numerous international agreements guaranteeing freedom of religion and human rights. Recently, Turkey used an American COBRA attack helicopter in its campaign against the Kurds in southeast Turkey, in direct violation of the Arms Export Control Act and the Foreign Military Sales Agreement which Turkey signed with the United States.

Despite its repeated pledges and promises to make improvements, Turkey's record of human rights violations remains dismal. In a December 1997 meeting with U.S. officials, Turkish diplomats pledged to meet certain benchmarks for improving human rights in Turkey. In subsequent meetings, U.S. officials pledged to oppose the sale of U.S. attack helicopters or other military equipment to Turkey unless the Turkish government met these standards.

And to what degree did Turkey honor its promises? According to the State Department's 1999 Country Report on Human Rights, Turkey has failed to meet any of the benchmarks set forth by the administration. How can we allow this sale to proceed when Turkey has repeatedly failed to live up to its promises? Our Nation risks a loss of credibility in permitting this sale while repeatedly proclaiming our commitment to respect and promote human rights and our opposition to Turkey's violations.

Other countries have refused to sell Turkey weapons because of its human rights records. According to a report by Reuters on September 8, 2000, Germany's ruling Social Democrats said their government would veto a \$7.1 billion order to supply Turkey with 1,000 tanks because of Turkey's human rights violations. If Germany is willing

to forego a lucrative arms deal based on these concerns, why should we feel any differently? Is our Nation any less committed to protecting human rights? Are our principles more "flexible" when a significant dollar amount is involved? I would hope not.

Mr. Speaker, some values transcend geopolitical barriers, and respect for human rights is one of them. People around the world look to the United States for leadership and guidance precisely because of our strict adherence to such principles. The proposed arms sale to Turkey, viewed in the light of its past record on human rights, is contrary to the values we espouse, harmful to our image abroad, and threatens the security of a strategically important region.

For these reasons, Mr. Speaker, I urge Members to join me in opposing this arms deal and in calling for its immediate cancellation.

Mr. MCGOVERN. Mr. Speaker, I have long been concerned about the level of U.S. military aid and arms sales to Turkey. On average, the U.S. provides Turkey with more than \$1 billion each year in direct military assistance and training and commercial arms exports. There are more particular reasons, however, for why I am opposed to the recently announced agreement for Turkey to purchase 145 attack helicopters worth \$4.5 billion from U.S. arms manufacturers. Nothing could be more destructive to the efforts by the U.S. and the international community to bring peace and stability to the eastern Mediterranean region than this major arms purchase by Turkey.

Human rights organizations inside and outside of Turkey have documented that Turkey has used American Cobra attack helicopters in its campaign against the Kurdish people in southeast Turkey. The Turkish military consistently fail to distinguish between civilian and military targets. For the past 16 years, the Turkish military has used American weaponry and especially attack helicopters to kill over 30,000 civilian non-combatants, destroy over 2,000 ethnic Kurdish villages, and displace over 2.5 million ethnic Kurds. In its "Report 2000," Amnesty International states that the practice of torture has actually increased in the past year.

At a time when the world hopes for a breakthrough in negotiations on Cyprus, the U.S. approves a massive military sale to Turkey. At a time when the world is attempting to lessen the attacks and repressive actions taken against the Kurdish minority by the Turkish government, the U.S. approves a massive military sale to Turkey.

Why is the Administration allowing this commercial sale to go forward? Turkey is already the most militarized state in the Mediterranean. It possesses vast military superiority over all its neighbors. There is no need to increase its military arsenal.

Rather than spending \$4.5 billion on the purchase of attack helicopters, the Government of Turkey might better target those funds toward rebuilding the communities ravaged by earthquakes, building more schools and health clinics, and addressing other basic economic needs of its people.

I urge the Administration to revoke this export license and move away from the long-standing policy of militarizing Turkey—a policy

supported by Republican and Democratic Administrations alike. What might have once made sense during the Cold War is now counter-productive to efforts to demilitarize the region.

The pursuit of regional peace and stability and respect for basic human rights are not helped by arms sales.

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING WHITNEY M. YOUNG AS OUTSTANDING PUBLIC HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as the debate continues around the issues of vouchers, charter schools, and what some call alternatives to traditional public education, I take this opportunity to pay tribute to the Whitney M. Young Public High School in Chicago, Illinois, which has the distinction of being hailed number one in the Nation in college preparatory education.

For 15 years, the Whitney M. Young magnet school has been number one in the State of Illinois. This year, the year 2000, it leads the United States in the numbers of its students who qualified as semi-finalists in the National Merit Scholarship Competition for outstanding black students. Twenty seniors put Whitney M. Young on the top of the list as a result of their ranking in the top 2 percent of youngsters in competition.

Graduates of Young go on to college at the astronomical rate of 96 percent, with the University of Illinois enrolling more than any other college or university. Princeton, Harvard, Stanford, Yale and the Massachusetts Institute of Technology lead other schools in enrollment of Whitney Young alumni.

Mr. Speaker, Principal Joyce Kenner, her staff, local school council, parents, and the students themselves are to be commended for proving, and for proving conclusively, that a student does not have to have a voucher or go to a private or charter school to achieve, and indeed to excel academically.

So, Mr. Speaker, a school located in the inner city of Chicago, with a diverse student population, 50 percent of whom are black, leads the Nation in the number of its students who qualified as semi-finalists in the National Merit Scholarship Competition for outstanding students. So just as Whitney Young practiced excellence in his life and work, the Whitney M. Young High

School has built and continues to develop a legacy of excellence in preparation of its students for college, for life, and for service to humanity.

Again, Mr. Speaker, I commend all of those who have been a part of the development of this outstanding institution: the parents of the community where the school is located, the parents who serve on the local school advisory council, the principal, members of the faculty, and the Chicago Board of Education itself, who continue to prove that public education can in fact thrive; that it can flourish; that it has worked and continues to work when we put the resources where the need exists.

REPUBLICAN CONGRESS HAS
MADE HIGHER EDUCATION MORE
AFFORDABLE FOR AVERAGE
FAMILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, I thank my colleagues for the tremendous progress we have made in funding students who want a higher education.

As a former university president, I understand the importance of the grants, loans and work study programs which are funded by the Federal Government. I also understand the financial difficulties that are faced by most families in America. That is why I am so pleased that the Republican Congress has taken significant steps in removing the financial barriers to higher education.

One accomplishment that this Congress can be particularly proud of is the increased funding for the Pell Grant program to provide access to college for students from low-income homes. Since the Republicans took control of Congress, we have increased the maximum award by an average annual rate of over 7 percent. During the 40 years our friends across the aisle were in the majority, the maximum Pell Grant award was only increased by the average of 1.4 percent. Think of it. Think how many students were denied access.

This academic year, students can gain up to a \$3,300 Pell Grant for higher education expenses. This award can make the difference in whether a student stays in school or has to drop out because he or she cannot afford it. More than 84 percent of the students receiving this award come from families who make less than \$30,000 a year. Without this program, college would be just a dream for most of them. I am delighted that my colleagues have been able to increase funding for Pell Grants and make college available to many more low-income students who are in need.

We also have taken steps to have more students able to afford college. When I was president at California State University in Long Beach, during

those 1970s and 1980s, there were 35,000 students; but 5,000 who were eligible for Pell Grants were not able to have the Federal funds. Even with financial aid, many students were forced to take out student loans to meet the rising tuition costs of higher education.

In fact, the demand for loans has increased by 35 percent over the past 5 years. Until recently, many of these loans came with high interest rates. When one has to borrow thousands of dollars, the interest can be fairly substantial. It is bad enough that graduating students start out in life thousands of dollars in debt; they should not be saddled with high interest in addition.

The Higher Education Act amendments, which we passed in 1998, changed the formula for determining the interest rates on variable rate student loans. Once this bill was enacted, interest rates dropped 1.3 percent to under 7 percent. This is only the third time that this has ever happened in the history of the student loan program. Lower interest rates mean less expensive loans that more students and families can take out. It also means that students can pay off their loans in less time and put the money toward other expenses.

Mr. Speaker, a college education is no longer a luxury; it is a necessity. In today's high-tech, highly competitive economy, a college-educated workforce is crucial to our Nation's success. But there is more than that at stake here. For many people, a college education is part of the American Dream. Republicans are working hard to make this dream a reality. These accomplishments bring us closer to the goal of ensuring that every qualified American who wants a college education will be able to afford one.

I want to congratulate my colleagues who have worked so hard on these issues, and I am very proud that the Republican Congress has made it such a priority to open the doors of higher education even further.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, for the past six months, I have been reading letters on the floor of the House of Representatives from senior citizens from all over the state of Michigan. These seniors have shared their stories with me about the high cost of prescription drugs. They all have one thing in common: these seniors rely solely on Medicare for their health insurance, so they do not have any prescription drug benefit. They must pay for their prescription drugs themselves, and with the high prices, they often are forced to make decision between buying the prescription drugs they need or buying food or heating their homes. We must enact a voluntary, Medicare prescription drug benefit that will provide real help for these seniors.

This week, I will read a letter from Mary Hudson from Fenton, Michigan.

I understand that Mary currently does not fill most of her prescriptions because she cannot afford them.

Sometimes, her son buys her medication for her and sometimes she goes without.

If Mary did purchase all of the prescription medication she needs, her bills would be approximately \$1715.40 per year.

I will now read Mary's letter. "Dear Debbie, Last summer, I went to a doctor with bladder problems and high cholesterol and was given prescriptions cost \$44—which I got filled—but the other was \$90—which I would not. Who can afford those prices and pay other bills too?"

Thanks for your interest in seniors, Debbie, and for anything you can do to help us. Love, Mary."

Mary deserves a genuine Medicare prescription drug benefit. Time is running out to do something in this Congress. We must enact real prescription drug reform before we adjourn.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. WAMP) is recognized for 5 minutes.

(Mr. WAMP addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

(Mr. MCGOVERN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRESS IGNORES ITS CONSTITUTIONAL RESPONSIBILITY REGARDING MONETARY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, at a frantic pace we anxiously rush to close down this Congress with excessive legislation while totally ignoring the all-important issue of monetary policy.

Congress has certainly reneged on its responsibility in this area. We continue to grant authority to a central bank that designs monetary policy in complete secrecy, inflating the currency at will, thus stealing value from the already existing currency through a dilution effect.

The Federal Reserve clings to the silly notion that economic growth causes inflation, thus trying to avoid the blame it deserves. The Federal Reserve then concludes that an economic slowdown is the solution to the problem it created. Those who argue to continue the inflationary process are equally in error. As if the economy were an airplane, the monetary authorities talk about a soft landing with the false hope of painlessly paying for the excesses enjoyed for a decade.

It should surprise no one that our financial markets are getting more volatile every day. Inflating a currency and causing artificially low interest rates

always leads to malinvestment, overcapacity, excessive debt, speculation, and dangerous trade imbalances. We now live in a world awash in a sea of fiat currencies, with the dollar, the yen, and the Euro leading the way. The inevitable unwinding of the wild speculation, as reflected in the derivatives market, is now beginning.

And what do we do here in the Congress? We continue to ignore our constitutional responsibility to maintain a sound dollar. Our monetary policy of the last 10 years has produced the largest financial bubble in all of history, with the good times paid for by borrowing and an illusion of wealth created in a speculative stock market. Our current account deficit, now running over \$400 billion per year, and our \$1.5 trillion foreign debt, has been instrumental in financing our extravagance. Be assured, the piper will be paid. The markets are clearly reflecting the excesses of the 1990s.

Already we hear the pundits arguing over who is to be blamed if the markets crash or a recession hits. Some have given the current President credit for the good times we have enjoyed. If the crash comes, some will place the blame on him as well. If problems hit later, the next President will get the blame. But the truth is our Presidents deserve neither the credit for the good times nor the blame for the bad times.

The Federal Reserve, which maintains a monopoly control over the money supply, credit and interest rates, is indeed the culprit and should be held accountable. But the real responsibility falls on the Congress, for it is Congress' neglect that permits the central bank to debase the dollar at will.

□ 1945

Destroying the value of a currency is immoral and remains unconstitutional. It should be illegal. And only a responsible Congress can accomplish that.

In preparation for the time when we are forced to reform the monetary system, we must immediately begin to consider the problems that befall a nation that permits systematic currency depreciation as a tool to gain short-term economic benefits while ignoring the very dangerous long-term consequences to our liberty and prosperity.

PENDING SALE OF ATTACK HELICOPTERS IN TURKEY

The SPEAKER pro tempore (Mr. TANCREDO). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, I rise today to urge the Department of State not to issue an export license for the sale of attack helicopters to Turkey.

As my colleagues are aware, in July of this year, the Turkish government announced that it had awarded a \$4 bil-

lion contract for attack helicopters to the American company Bell-Textron.

However, before the sale can take place, the Department of State must issue an export license and its decision must take into account both foreign policy and human rights considerations.

As I look at these considerations, it is clear to me that sending 145 attack helicopters to Turkey runs directly counter to American interests and values in the region. The United States has a national interest in fostering peace and stability in the Eastern Mediterranean region.

Recent developments in this regard have been encouraging, in particular the thaw in relations between Greece and Turkey. Yet, the sale of attack helicopters threatens to reverse this positive trend and unleash a regional arms race.

This is not in our interest. It is also not in our interest to see these helicopters used not for legitimate self-defense or NATO purposes but instead to terrorize and threaten.

Turkey has had a long record of using U.S.-supplied military equipment in direct violation of U.S. law. In 1974, Turkey employed U.S.-supplied aircraft and tanks in its invasion of the northern part of Cyprus, an area that Turkish forces continue to occupy today with the use of U.S.-supplied military equipment.

For the past 16 years, Turkey has been illegally using American weaponry, especially attack helicopters, in a scorched-Earth campaign against its Kurdish minority and has threatened to use them against Greece and Cyprus as well.

To date, according to reports from various human rights organizations, the Turkish military has killed over 30,000 civilian Kurds, destroyed over 2,000 Kurdish villages, and created perhaps as many as 2.5 million Kurdish refugees.

Amnesty International, Human Rights Watch, and even our State Department have reported that Turkey has illegally used American attack helicopters in these horrendous crimes against humanity.

The administration appears ready to grant an export license despite statements by the State Department in 1998 that it would condition approval of an export license on Turkey's meeting a series of eight human rights benchmarks.

A review of the State Department's annual human rights report issued earlier this year can lead to only one conclusion, that Turkey has not met the criteria laid down in 1998.

In light of its own report, the State Department should follow the principled example of our NATO ally Germany.

Just a few weeks ago, Peter Struck, the parliamentary leader of Germany's ruling SPD party, announced that a pending multi-billion-dollar sale of Leopard II tanks to Turkey would be blocked on human rights grounds.

Mr. Struck added that he did not expect this decision to change in light of the fact that no progress was being made in Turkey's human rights performance.

The overall impact of going through with this helicopter sale would be to damage America's credibility as a champion of human rights and endanger regional stability in an area of considerable strategic significance to the United States.

The argument that Turkey needs these additional attack helicopters to defend itself against possible attack by Syrian, Iraqi, or Iranian tanks is suspicious. The existing Turkish military inventory already provides an overwhelming deterrent against these alleged threats.

This arms deal is also not in Turkey's best interest. Turkey recently became a candidate for accession to the European Union. For this purpose, it needs to undertake massive restructuring and modernization of its economy. It also needs to reduce the military's role in government, make dramatic improvements in human rights, resolve territorial issues with Greece, and help to solve the Cyprus problem.

By moving to expand its fleet of attack helicopters, Turkey sends a signal of misplaced priorities and undercuts its quest to join Europe.

In short, I call upon the administration to take a principled stand against this pending sale of 145 attack helicopters to Turkey and deny the export license.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

(Mr. PORTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EDUCATION IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise tonight to talk about education. We will hear later tonight from the two presidential candidates a lot about education. We will have two very differing messages.

George W. Bush, the Republican candidate, will talk about getting money to the classrooms, getting money to the school districts and requiring accountability, accountability that young people can read, that young people understand math, that young people understand science and English and reach certain levels of excellence.

Then we will have the Gore plan that talks about, if you do what we want you to do, we will furnish some money. If you hire teachers, we will help you. If you do new school construction, and I would say also and if you are urban, we may help you. But it certainly will not be to the most of the hundreds of thousands of school districts in this country, only a few privileged few.

Now, it is interesting as we listen to this debate that we keep it in perspective. The Federal Government claims that they provide seven percent of the basic education money from K-12, seven percent.

Now I am going to give my colleagues the actual figures to Pennsylvania, the fifth largest State in the country, a sophisticated State, 3.3 percent of the money in school districts. Of the 530 school districts in Pennsylvania, 3.3 percent of their budget comes from the Federal Government.

So the question I ask is, that is 47 percent of seven percent, so what happens to the 53 percent? Is it all chewed up in Federal and State and regional bureaucracies that we know are often funded by the Federal Government? If that is the case, then if we are going to impact education from Washington, we have to figure out how to get the money into the classroom.

Last year and the year before, we had a program called Dollars to the Classroom that took a lot of programs and made it much easier for school districts to use them and get the money out to the school districts without all the bureaucratic work that is needed, without the grantsmen, without the consultants that you need to get Federal money.

It is interesting for the American public to realize, Mr. Speaker, that one of my most suburban school districts gets just a little over one percent of its money from the Federal Government. Are we going to fix education in that community? I have dozens of school districts that get between one and two percent of their money from the Federal Government.

Are we going to fix education there?

We can help a little bit. We can guide a little bit. But if we are going to have Washington-based programs that they have to apply for that they have to meet all the requirements of, most smaller school districts will not even apply.

I think it is important as we listen to this presidential debate that we talk about getting dollars to the classroom, that we require accountability, but not Federal bureaucracies in charge of our school districts.

My colleagues, we cannot improve education by more Federal programs, more Federal bureaucrats, more Federal rules and with only 47 percent of the Federal dollars reaching the classroom if Pennsylvania is like most States. And I believe that is probably the case in most States.

So it is important that if we are going to really help education from

Washington that we allow the local leaders, we make it easy to get the Federal dollars there. If they need maintenance, they can do maintenance. If they need teachers, they can hire teachers. If they need books, they can buy books. If they need computers, they can buy computers. Not Washington telling them, we will help you if you do what we think you should do.

So I think it is very important as we listen to this Presidential debate that we realize that Washington cannot make our school districts better. We can only be a small player if we get the money to the school districts and we allow them to make the decisions that teachers and the administrators and the parents involved in their young people's education, that Washington does not have the answers, Washington will not make it better, it will make it more complicated, few dollars will reach the classroom.

All these bureaucracies that are funded with that 53 percent do not teach a student, do not make a classroom better, do not make a school better, and does not help the role of education.

So as I conclude my comments this evening, it is important that we get the money to the classroom, that we require accountability that students can read, they can do math, they can do science, and they know English. That will give them the basis for their life and will give them a good education.

ENERGY DEREGULATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BILBRAY) is recognized for 5 minutes.

Mr. BILBRAY. Mr. Speaker, as things are cooling off here in Washington and the temperature of the city is dropping, to the relief of the local communities, back in San Diego things are heating up. And sadly, they are heating up not because of the weather but because of the inappropriate action of Government and the inaction of those who should be taking care of their constituents.

A few years ago, the State legislature of the State of California tried an experiment called energy deregulation, at the same time that those of us in the Congress were working on deregulation of telecommunications. But unlike what we did successfully here in Washington, the State did not assure competition, access, and infrastructure for the energy consumers of San Diego County, and soon to be the entire State of California.

Now, it may seem like a political comment to say that, when politicians make mistakes, terrible things happen. But I think too often some of our elected officials do not consider the impact on the real people in the community who are out there doing the great things that we take for granted.

Mr. Speaker, I am in a sad position tonight to announce that an institu-

tion in my district in Pacific Beach, a landmark that has been there for 54 years, is going to close because the State legislature of the State of California passed a so-called energy deregulation bill that is now causing electric power rates to rise to such astronomical levels that small businesses are going bankrupt.

The small business I am speaking of is DeVaney's Bakery in Pacific Beach. It has been a bakery that has been around since 1946. It has been a family-owned business that has served not only the local community but the entire sub-region of the coastal area that we call San Diego.

It is sad to see that Sacramento adjourned, Mr. Speaker, this year before they addressed this absolutely critical economic and social crisis in San Diego, which is soon to spread throughout the State of California. I would hope that the speaker and every Member of this Congress would join with me in asking that we try to work together here to do what we can to save the constituency and the citizens of San Diego County, and soon to be California, from this horrendous mistake by the State legislature.

Mr. Speaker, it took a bipartisan effort in Sacramento to create this disaster that is closing down this landmark in Pacific Beach.

□ 2000

I would ask us here in Washington to step forward and make a bipartisan effort to save businesses throughout San Diego County and California from the devastating effect of this legislative mistake in Sacramento. So I ask us to learn from this tragedy of DeVaney's Bakery and let us work together at trying to see what we can do to protect the constituents from Sacramento's mistake. I hope we do not find excuses to walk away before we can address this issue. It is sad that Sacramento did that. I would ask us, both Democrats and Republicans, to work together. I hope I am not here next week announcing the next business that had to go under.

I would remind Mr. Speaker that this is not just a San Diego problem. San Diego and California has been a driving force at generating revenue for this Federal Government that has constituted what we call the surplus. If we do not address this power crisis in San Diego, it will not only spread throughout California, it could severely hurt the entire Nation's ability to continue the economic prosperity that so many of us in elective office want to point to and take credit.

Now the challenge is, will we rise to protect this economic recovery by addressing this government problem that was created in Sacramento and may only be corrected now by working together to protect the consumers, the taxpayers, the citizens and, yes, even small businesses like DeVaney's Bakery that has been around so long and will not be around tomorrow because of

mistakes that have been made by others, but that we must address.

END-OF-SESSION ISSUES

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 60 minutes as the designee of the majority leader.

BANKRUPTCY REFORM

Mr. GEKAS. Mr. Speaker, we are nearing the end of the current session as everyone knows and it is very apparent that nerves are frayed and that tempers are short but that is to be expected. That is an occupational disease of being a Member of Congress or of being the member of any parliamentary body anywhere in the world. But we have a special affliction here in Washington because we indulge in this almost every single year with every single year's budget, with every single year's end incessant haggling over minutia and some grand themes in this end-of-the-session battle in which we find ourselves once again.

Bankruptcy reform, which began some 3½ years ago in this very Chamber, is one of those grand items to which I refer as being includable in the end package of legislation which we will be considering in the next few days, perhaps after the new CR is passed even into next week. But there is a distinct difference in taking the bankruptcy reform measure and putting it at the end process for the purpose of yet one final vote on it. It is one that has been thoroughly debated. It is not like at the last minute some appropriator jams something into the omnibus bill at the end about which we know nothing and we are surprised months later to learn that there is a swimming pool now in the middle of the desert where never there was one before. Those kinds of special favor types of items continue to appear in the end product. We acknowledge that. Sometimes we wonder whether there is anything we can do about it except to adopt the proposal that I have proposed for 18 years, no, no, for many, many years now, that is, to have an automatic continuing resolution if we have not reached a budget by the end of the budget year.

In any event, the bankruptcy reform bill is not like that swimming pool in the desert. Rather, it is a measure that has been well received by Members of the House, by Members of the other body, by the business community, by the credit unions of our Nation, by taxpayers groups, by taxing authorities like States and local governments, all manner of working entities in our country have testified before us, giving us ample evidence upon which to base this movement to make sure that everyone gets a new start, a fresh new start who deserves one but who, by the same token, will guarantee in that process that those who can repay some of their debt should be compelled to do

so in a fair, proportionate way in which we have fashioned the mechanism for doing just that.

So when we bring this massive bankruptcy reform bill to the end game, we are not shoving it into some omnibus bill hoping that nobody sees it. No, we are bringing it to the floor after I would say one of the most thorough continuing debates that any subject has received for many, many years. I know, because I and my staff have been involved in it from the very beginning, through many, many hearings, hundreds of documents, many private discussions and consultations with bankruptcy experts and with credit institutions and with bankrupts themselves, people who have filed for bankruptcy, women who are left in a home without a husband, without a provider, providers, people who deal in State government with the complex problems of support and support collection. You name it, we have heard from that kind of individual in our regular hearing process. That is what is so bountiful in the outcome of the bankruptcy reform movement, that indeed it is the product of every coloration in our society of people who have to do business with each other in order for this economy to continue to work as well as it has.

By the way, in almost every set of remarks that I make back in my district about bankruptcy reform, I pride myself in reasserting that within the hearing process, it was not just a cameo appearance by people where we knew what their testimony was going to be and we ho-hummed our way through those hearings, I have to maintain and I will to my dying day that the final product of bankruptcy reform reflected actual testimony recommendations and clarifications made by the witnesses from out there in the world of commerce and in the world of the bankruptcy courts themselves. So it was not as if we were prompted by a pre-prepared agenda with cooked legislation that we were just going through the motions in these hearings but, rather, an intense investigation into the entire process. We learned from it.

I remember after the first hearing that someone testified on behalf of, I think, women, or single mothers or people who were devoid of support in their own household, but I was so struck by it that I instructed my staff to make sure that the next time there will be language in our next version of the bankruptcy reform that will cure the problem brought to us by that witness. As I say, this was legislative magic at its best, witnesses testifying, developing solutions to problems, and we who were charged with the responsibility of packaging all that in a reform measure succeeded in doing so.

Mr. Speaker, I yield to the gentleman from Colorado.

EDUCATION

Mr. SCHAFFER. I thank the gentleman for yielding. I want to talk about education. Tonight there will be a debate between the two Presidential

candidates and we of course all across the country are looking forward to that. Education is likely to be one of the issues raised. I say this because, politics being as it is, candidates tend to look to opinion polls to help identify those issues that are the most important to the people in the country. When they are inclined to do that in America today, they will find that education is the number one issue on the minds of most Americans. My point tonight is twofold, one, I want to talk about some of the work we have done here in the United States Congress as a Republican majority and as Republicans across the country to try to elevate the importance and prominence of education and to push forward a plan that is designed to improve the quality of education in America, and secondly I want to talk about what has been done over the last 8 years, because, without a doubt, the Clinton-Gore regime that has held the White House for the last 8 years has defined itself as an administration that has missed many opportunities and has failed to lead with respect to education.

I will start out by quoting the Vice President. He published a report called Report of the National Performance Review. It was published in 1993. In that report back in 1993, here is what the Vice President said, and I quote:

The Department of Education has suffered from mistrust and management neglect almost from the beginning. To overcome this legacy and to lead the way in national education reform, the Department of Education must refashion and revitalize its programs, management and systems.

My point being, Mr. Speaker, is that going all the way back to 1993, the Vice President of the United States fully understood the nature of the U.S. Department of Education, an agency that hemorrhages cash on virtually a day-by-day basis. This is an agency that we look to to try to get dollars to the classroom, to utilize the education expenditures of the American people in a way that will help children learn but, to our disappointment and even to the disappointment of the Vice President and others over at the White House, this Department of Education has failed in its noble mission.

One does not have to look too far to find examples of that. Here is the reality of what has occurred since 1993. Just a few month ago, the General Accounting Office in reporting to the Committee on Education and Workforce of the House said the following, and I quote again:

The Department is riddled with continued weaknesses in information systems controls which increase the risk of unauthorized access or disruption in services and make Education's sensitive grant and loan data vulnerable to inadvertent or deliberate misuse, fraudulent use, improper disclosure or destruction which could occur without being detected.

That was in testimony to the Subcommittee on Oversight and Investigations going back to March of this year.

We have seen similar other kinds of characterizations of the Department of

Education as we in our efforts to try and be frugal with the taxpayers' money have asked hard questions about where does the money go. It is frustrating as a parent myself of five children, three of them in public schools today, to learn that of every dollar that we spend on education through our Federal budget, only about 60 percent of those dollars is actually spent in the classroom. In other words, there is upwards of 40 percent, and that is probably a generous estimate, that is wasted, squandered, lost, lost through fraud, lost through abuse, sometimes lost through crime. I will go through some of those examples here today because it underscores our Republican effort around the country to try to get dollars to the classroom.

There is a difference of opinion here in Washington and a difference of opinion that will be expressed later on tonight by the two candidates for President of the United States.

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Democrats have always been in favor of spending more money. Whether it comes to the Department of Education or any agency, spend and spend and spend has been their philosophy. While we are not necessarily always opposed to spending if it is for a good and just cause, our Republican philosophy is very different. It is one that says spend wisely, be accountable for how money is allocated and budgeted and spent. So we are the party, the Republican Party, that asks the tough questions about where do these dollars go? How is the money allocated? Has it actually reached children in classrooms? Has it been effective? As parents we are just kind of normal people who ask these questions as most normal people would when they come to Washington, D.C. We work hard as all taxpayers do to earn various livings and come from various professional and employment backgrounds. We pay taxes to the Federal Government. We do not like paying taxes, but we are willing to do that when it is right and when the cause is just; but we expect people here in Washington will follow the money and make sure that when we say we are going to spend a dollar on education we actually do it.

It was not until the Republican Party took the majority of the Congress that these difficult questions were even asked in the first place. Here is what we found out: the U.S. Department of Education in 1998 could not even audit its books. We set up a very rigorous evaluation process. We required every Federal agency to come up with a new standard of accountability to hire outside auditors to come in and examine their books, give an outside professional unbiased opinion of the finances of various Federal agencies, and the U.S. Department of Education came to us in the 1998 audit and the independent auditors actually said the books were so bad over there, so poorly managed, that they could not even

audit the books, let alone tell us how the dollars were spent.

In 1999, Mr. Speaker, things did not get much better. The Department was able to finally balance its books but it, of course, failed that audit. So we find these reports coming back to us from independent auditors, from government auditors, painting a very bleak picture when it comes to the accountability of the funds that are spent down the street at the United States Department of Education.

Now we still want to have a powerful role and an important role in improving schools across the country, but we point these examples out to show that there really are two different approaches to how we improve schools in America. There is the Democrat approach, the Al Gore approach, that says just spend the money, never ask the tough questions, never mind whether the dollars really get in the classrooms; whether these dollars spent really improve student performance; whether they really improve our standing among international peers. Just spend the money and that is the right thing to do because, after all, we care about education, we care about kids; and if we just spend the money, things will sort of correct themselves.

That is in stark contrast to what we will hear the governor of Texas speak about tonight and what Republicans stand for and have stood for here in Washington, which again says there is money to be spent; and we believe that the Federal Government has some role to play in trying to help local administrators, school board members, superintendents, and teachers teach children; but we really are about accountability. We want to make sure that we squeeze every ounce of efficiency out of every dollar that is spent, and we start by being honest about what is wasted, what has been abused, where fraud, where theft has occurred over in the Department, and we raise those important issues, not to embarrass anyone. We do want to cause a certain amount of alarm, I suppose, because these issues need to be addressed; they need to be fixed.

That ultimately is our goal to fix these problems and create a Department of Education that actually is on the mark; that actually helps children learn; that really gets dollars to the classroom and creates, through a system of assistance with the various 50 States, a support system that allows those States to define their educational priorities and to ultimately meet them and help children, because that is what really matters in the end.

It does not matter how much money we spend. It does not matter how many new programs we create. What matters more than anything else is results and what we can do here in Washington that helps children learn.

Now we have a great record where this is concerned as a Republican majority. We have passed legislation over the last few years that is intended and

designed to shrink the size of the U.S. Department of Education, to consolidate programs. There are some 760 education programs spread out throughout several different agencies. We want to consolidate those programs.

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

Mr. SCHAFFER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I noticed that at the exact moment when the gentleman from Colorado (Mr. SCHAFFER) was talking about the fact that the Federal dollars that are being spent could be better spent at the local level, in walked the gentleman from Pennsylvania (Mr. GOODLING), who for years has been determined to make certain that we know that the best way to spend those dollars is at the local school board level.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for those comments.

Mr. Speaker, I was waiting for the gentleman from Pennsylvania (Mr. GOODLING) to grab a microphone there so I could recognize him and yield some time to him as well, because it has been the Republican leadership on the House Committee on Education and the Workforce, under the direction of the gentleman from Pennsylvania (Mr. GOODLING), and also the efforts being led by Republican governors throughout the country, that have shown a new way to reach out to children and to manage government programs in a way that helps kids far better than what we have seen come out of the White House over the last 8 years.

We have focused on some key principles that I know the chairman cares deeply about, and principles that he has made the basis for the work that we have done and undertaken in the House Committee on Education and the Workforce, and those principles are all about recognizing the strengths of local communities, of States, of recognizing the autonomy of parents to play the primary role in helping drive the education of a child and local communities. And ultimately this message of accountability is something that we talk about every day.

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

Mr. SCHAFFER. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding, and I want to echo some of the things that he has already said. For the first 20 years in the Congress of the United States all I ever heard was that if we just had another 100 programs from the Federal level, one-size-fits-all, if we just had a few more billion dollars, if we just could participate more from the Federal level, that somehow or another we would close the achievement gap with the disadvantaged youngsters because that is our major role from the Federal level.

Well, obviously it did not work, and every study showed that it did not

work. One-size-fits-all from Washington does not work. So we wasted a lot of money, but worse than that a lot of time because what happened is we cheated children, pre-school children particularly in Head Start, for the first 10 years because nobody ever talked about quality. The only thing we talked about was if we could just cover more children that somehow or another that would work. What they forgot was that it was supposed to be a reading readiness program and a school readiness program; but what it turned out to be was, as a matter of fact, a poverty jobs program and a baby-sitting program.

We finally got it turned around.

So when we became the majority, we said, gee, we have to change. The taxpayer is not getting very much for the money but, more importantly, the children who are to benefit from all of these wonderful programs, one-size-fits-all from Washington, were not getting any help. So the achievement gap, of course, never closed.

We said we are going to have, first of all, seven key principles that Republicans are going to push every time we talk about any legislation from Washington, D.C. Number one, if it is not a quality program, then do not bother with the program. Get rid of the program. We need to have better teaching. We need to have local control. We need to have accountability. We need to make sure that we get the dollars to the classroom, where they can really help the children. We need to make sure that we return to basic academics and parent involvement but not only parent involvement, parent responsibility. The reason public charter schools work, one of the major reasons, is because of the parent responsibility. They are responsible to enforce the dress code. They are responsible to enforce the homework code. They are responsible to get the children to school and get them home from school. They assume that responsibility. Now what does that do? That attracts the best teachers. That attracts the best administrators, the best supervisors, because they want to teach. They want to be in an environment where they can teach. So one of the very first things we talked about, even before we became the majority, was we need to give flexibility to the local school districts to design these programs rather than say here is one-size-fits-all, take it or like it, even though you do not benefit from it.

So we got a token before we became the majority. We said here we will give you six States for flexibility and they said we will give you 12 now the next time. Two of those States that did very, very well with the flexibility they got were Maryland and, above all, Texas. Governor Bush reached across the aisle, working with a Democrat majority in the House and the Democrat majority in the Senate, and said we have to do something about improving education for all children in this

State. So they got about 4,000 waivers from the Federal Government. They could commingle money. They could make programs work. They could design them the way they believed they will benefit their children. The result is that their Black and Hispanic students are achieving above the overall average of all of their students. Now, that is giving you flexibility with accountability, and accountability is the big word.

Mr. SCHAFFER. Mr. Speaker, the gentleman from Pennsylvania (Mr. GOODLING) has been on the front line in the negotiations and in the real fight that has taken place here in Washington between the Republican-oriented solutions with respect to education and the Democrat-oriented approaches to education that come out of the White House. This key philosophy of flexibility is so important. There are many of our colleagues and many people around the country who think these are just nebulous terms and some kind of nebulous debate on the point of flexibility; but those of us who are in the well on a day-to-day basis fighting over the concept of flexibility see the real difference that takes place based on who the leadership is down at the White House.

So I am wondering if the gentleman from Pennsylvania (Mr. GOODLING) would perhaps take a little more time and maybe describe for our colleagues what takes place at some of these meetings when there is a Republican philosophy of flexibility sitting across the table from the Democrat philosophy as proposed by AL GORE of a centralized, Washington-knows-best attitude. It is a real clash but one that I believe we need to win on the side of flexibility. I think it is critical and important for our children, and I was hoping the gentleman would elaborate a little further on that point.

Mr. GOODLING. I think that it has been a slow learning process for the minority, because I think they are at the point now where they realize these programs did not work. Well intended, no question well intended, but they now begin to realize, and we hear the word flexibility mentioned now on the other side of the aisle. We hear different things mentioned that we never would have heard for years because the programs did not work. So now they are saying, hey, it looks like Texas, for instance, was very, very successful with that flexibility.

What does it mean to a State? Well, first of all, before we allowed any kind of flexibility, the only purpose for the Federal auditor to go out into that school district was to see whether the money was spent on the right student.

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They were not sent out to see whether the students were benefiting from what is being spent. They were just sent out to see, is the money going to the right children?

Obviously, it was going to the right children, but it was not helping those

children. So this is the battle we go through every time, the philosophical battle of another Federal program, one-size-fits-all from Washington, D.C. will solve these problems; another \$1 billion will solve these problems. It has not worked.

So we have now taken a different approach. As I indicated, we have these seven key principles, but beyond those seven key principles, of course, is what is happening with the flexibility that is going back.

Governors, local school boards, are so far ahead of us on the Federal level when it comes to reforming schools. They are on the front line all the time. They understand it. So that is why 50 Governors said, Hey, 12 States have flexibility; how about all 50 States? When we get 50 Governors on our side of the aisle say, hey, it is working, we all want it, and obviously the President then had to agree. We sent him legislation and he signed it.

The important thing is that as we brought the legislation then to the floor, every piece of legislation was based on these seven key principles. So when we did the Individuals with Disabilities Education Act, we said, let us talk about the seven principles here when we redesign that program, and we did it.

IDEA full funding, again, in those first 20 years I kept saying over and over again, if we really want to help the local school district, I will say the best way we can do that is to step up to the plate with the 40 percent that we coaxed them into this program, guaranteeing them 25 years ago. When we became the majority, we were only up to 6 percent. We are now up to about 15 percent.

What that means is every low-income school district has to take their local funds to support the IDEA mandates from Washington, D.C., which means they must take it away from every other program. That is why I would tell them, if we want to reduce class size, send them the money. They will reduce class size. If we want them to repair a building, send the IDEA money, they will repair buildings.

But no, we need a new program from Washington. That is what we have heard the last couple of years, with our battle over 1,200,000 teachers; our battles over school construction.

We passed the Reading Excellence Act, again saying, on the local level, they know how to do that. But above that we say, use the scientific knowledge that we have on how to teach reading. Do not get into the fad businesses that so many districts unfortunately fell into.

Our charter school expansion, in my estimation, probably the only hope for many center city children is the charter school program, again because the parents are very much involved. The parents are demanding excellence from their children, excellence from their schools, and the best teachers went there. It may be their only hope of getting a piece of the American dream.

As I mentioned, Head Start, how did it take us so long when every study told us we were failing? How did it take us so long to really do something to make it an effective preschool program?

Promulgating the new Federal tests, we were going to spend \$100 hundred million. First of all, the Department of Education was going to design the tests. That would be the last group that I would want to design some tests. But unless we know what the new higher standards are, unless we prepared the teacher to teach the new higher standard, unless we then test the teacher to say they are ready to teach the new higher standard, why would we spend \$100 hundred million to design some national test to tell 50 percent of the children one more time they are not doing very well?

The Dollars to the Classroom Act, again, that is where the money counts, down where that teacher is, down where that building principal is. The Vocational Technical Education Act, again the whole thing was based on those seven principles. The Teacher Empowerment Act, we say if they are not getting the proper in-service program, they could take a voucher and get their own in-service program. They know where they can get the best in-service program.

The Students Results Act, again, all we have to do out there in the State and in the local district is show that all of the students improve academically, and then they have the freedom to do what they believe is necessary to bring that about.

We are moving in the right direction. We have to keep moving in that direction. We cannot stop now, or what we will get back to again is, okay, if we just have a new 100 programs that will do the job; if we just spend another \$100 billion, that certainly will do the job. Yet, we will repeat the same failures over and over again because Washington does not have the answers. The local area has the answers.

So I think the gentleman for taking this hour this evening to again remind the American people what our approach is and why it is different, and why it is taking hold and why it is working, and why the Governor was successful in Texas after we gave them the opportunity for the flexibility.

So I appreciate the gentleman's taking this opportunity to remind the American people once again the direction we are trying to move this whole education issue in.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for joining me here on the floor.

I want to go back to the top of the chart here in a moment, but there really is a remarkable difference between the two individuals who the American people will watch later on tonight, and will choose among in deciding who our next president will be in just a few weeks.

The Texas example is almost miraculous on how far students improved in

academic achievement in the State of Texas under Governor Bush's leadership versus what we have seen here in Washington for the last 8 years of a White House where President Clinton and Vice President GORE have fully understood, and they even wrote books about the poor management in the Department and the reality that there was not enough flexibility, where we are not getting enough dollars to the classroom. Yet, they have done nothing.

This is an administration that for 8 years has squandered their opportunity to help improve schools, and to look to the real examples and the real bright spots around the country where Republican Governors like George Bush have led the way in academic success and achievement for students.

This Individuals with Disabilities in Education Act is I think one of the most important things we can focus on here in Washington. Just by way of background for our colleagues and those who are monitoring tonight's proceedings here on the floor, the Individuals with Disabilities in Education Act was really initiated by the Supreme Court under civil rights legislation.

Congress took the ball from there, but it was the Supreme Court that drove the legislation underlying the Individuals with Disabilities in Education Act, thereby making it one of the few really legitimate roles that the Federal government plays in reaching out to some of the neediest children and trying to equalize the playing field so those children can have an opportunity to learn.

What Congress has done over the years is created this huge program which has become a mandate on local States. In other words, the Federal government created the rules, and we have told 50 States they must implement this IDEA program the way the Federal government says they will.

In exchange for that, the Federal government initially promised to pay 40 percent of the expenses associated with implementing that mandate. Many people around the country really rely and children with disabilities really rely on this program and this mandate, and they are counting not only on the program to be implemented accurately and effectively, but they are also counting on the program to be funded.

So we have actually had to fight with the White House, Republicans had to fight with the White House, to try to get us to a point where we are increasing appropriations for the Individuals with Disabilities in Education Act. We do not get a lot of help from AL GORE and President Clinton down there at the other end of Pennsylvania Avenue.

Mr. GOODLING. As a matter of fact, Mr. Speaker, two budgets submitted by the White House in a row had a decrease in funding for special education, 2 years in a row.

Mr. SCHAFFER. It just defies logic, but again it points out my point that

these folks have had 8 years to try to help, to try to help local schools. They have really blown the opportunity. Even when they have Republicans, and we are conservatives and we like to spend less when we can, but here is a program where we believe we ought to pay for what the government promised, and we have no assistance from the White House. AL GORE, Bill Clinton, had other things they wanted to spend money on, not children with disabilities in education.

It is important not only for those children, but it is important because even when Congress does not fund the program to the extent that it promised, the responsibility for carrying out the program still exists.

Every principal of every school in this country has to continue to unfold and provide these services under the Individuals with Disabilities in Education Act, just as the law says, and it does not matter whether we provide the money.

That is the real hardship, because what a principal has to do is steal funds from other places in his or her budget. They have to take money from the pay raises for teachers. They have to take money from the staffing budget, providing perhaps more teachers for classrooms. They might have to take the money from the transportation budget, or maybe the technology budget.

Mr. GOODLING. The maintenance.

Mr. SCHAFFER. Maybe fixing the leaky roof is something that has to wait a couple of years because the Vice President has not been willing to help us in our effort to fully fund IDEA.

That I think is probably the most graphic and dramatic statement of how this philosophy of ours towards flexibility has very real implications on every single classroom in America. That is precisely what we heard as we have traveled around the country.

The gentleman from Pennsylvania has helped today unveil his Crossroads 2000 Report, called "Education at a Crossroads." This is really a report that one of the gentleman's subcommittees, the Subcommittee on Oversight and Investigations, had put together as a result of traveling all across America visiting with education professionals, students, parents, teachers, and all the rest.

What they tell us more often than not is this. They tell us, and we can read it right in the report, and for our colleagues, I would urge them to get hold of the Committee on Education and the Workforce for a copy of this report, or my office or the chairman's office, and we will make the report available to anyone who wants it.

But what we are told as we travel around the country is this: Do not create new programs. In fact, do not spend a dime on creating more government, more Department of Education bureaucracy. Do the basics first: Fully fund the Individuals with Disabilities in Education Act, and that frees up

local schools to pay for the priorities that are truly important in various locations, because the priorities in New York are not the same as they are in Pennsylvania or as they are in Colorado or California. They vary from State to State.

Mr. GOODLING. New York City would get an extra \$190 million if we were fully funding the 40 percent, and Los Angeles would get another \$90 million.

When we talk about class size reduction, when we talk about school maintenance, think what they could do with that kind of money if they did not have to spend it on our mandate.

Mr. SCHAFFER. Perhaps we can talk about that for a moment, because we have been to New York, to California, and around the country. Even in a big city like Los Angeles, \$90 million is not pocket change. That is real money.

Mr. GOODLING. Over 25 years, \$90 million a year for 25 years, that sounds like big money to me.

Mr. SCHAFFER. We have heard through the course of the presidential campaign that Congress and that the Federal government should do something other than fully fund the Individuals with Disabilities in Education Act.

We have heard the Vice President talk about his goals for trying to manage local schools from here in Washington. Our answer is very different. Ours says, let us fully fund the mandates that are there first.

Let us give Los Angeles, for example, the \$90 million a year to spend on whatever they want. If they want to fix the roof, that would be their prerogative. If they want to buy new computers, they could do that. California just had a class size reduction program that the voters voted for.

It makes no sense for the Vice President, in the case of California, to now say, no, I am going to invent a new program for class size reduction, and the fact that you have already accomplished this goal is irrelevant. We are going to give you more money to do things you do not need.

Mr. GOODLING. Mr. Speaker, in that area, of course, last year when I was negotiating this 100,000 teacher business, at the end of the year I made it very, very clear, the gentleman mentioned that the administration, the President and the Vice President have had a great opportunity in the 8 years.

I pleaded with the President, and I said, he can talk about class size reduction, but if he does not have a quality teacher to put in that new classroom, I will guarantee it does not matter whether the teacher-to-pupil ratio is 12 to 1, 20 to 1, 30 to 1, it is not going to make a difference.

Of course, what was the first 33 percent we allowed him to have? More than 30 percent of those had no qualifications whatsoever.

Mr. SCHAFFER. It comes right back to the rallying cry that the gentleman has espoused over and over again, focus

on quality, not quantity. We see that not only with this effort toward hiring more employees in schools, but we hear it when it comes to even school construction, that it is just that the White House is intent on just spending the money, and really has no plans to focus on the quality. They never have. In the 8 years they have held the White House, their own reports verify they have never ever focused on quality.

Mr. GOODLING. When we were doing that negotiating last year, it was a perfect time. The New York News newspaper had total front page coverage which said, Parents, do you recognize in New York City, 50 percent of your teachers are not qualified? And I would hold that up every time they would talk, and remind them again, if we cannot put a quality teacher in the classroom, we are not going to help the child.

Mr. SCHAFFER. I am wondering if the gentleman would also be able to tell us about his experiences with the vast numbers of education leaders we have met with from throughout the country who have testified before the Committee on Education and the Workforce, reiterated the kinds of things we have heard in the Crossroads Report that fully funding the Individuals with Disabilities in Education Act really represents the ultimate in flexibility. We hear this routinely. I know the gentleman has, as well.

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I am wondering if the gentleman could share some of his experiences.

I might also point out, Mr. Speaker, as many of our colleagues know, the gentleman from Pennsylvania (Mr. GOODLING) prior to coming to Congress was a school superintendent and one who understands full well how fully funding Federal mandates frees up local leaders to focus on the real priorities, which is ultimately helping kids far better than anybody here in Washington can do.

Mr. GOODLING. Mr. Speaker, in IDEA, as we indicated, for instance, they were promised 40 percent of the average expenditure for students all over this country. Now, 2 years ago, that average expenditure per pupil was about \$6300. If they were getting their 40 percent, we can see they would be getting \$2500, \$2600 for each child. Instead, when we started, they were getting about \$400. We are now up to about \$600 or \$700. We will get to about \$800. That is a long way from that \$2600 that we promised.

If they have that extra money, as I indicated before, they then can take care of pupil-teacher ratios. Again, this is why we negotiated for 100,000 teachers. If we need money to improve the teachers that we presently have, use it for that purpose. That is very, very important. We need to make sure they have the best quality programs they can have to become better teachers, and that is so important.

Mr. SCHAFFER. The White House has also fought us on this notion of ex-

panding Ed-Flex to all of the 50 States. There were 12 States that piloted this flexibility act where some achieved great things.

The State of Texas as we mentioned as raised dramatically achievement for minority students, for black students and Hispanic students. In fact, the rate of improvement for school children in those categories was far higher than anywhere else around the country. And that is dramatic testimony to the power of flexibility and choice by governors.

We wanted to expand that same kind of liberty to all 50 States. We have received opposition from the White House from the moment we started talking about flexibility for all.

Mr. Speaker, I am wondering if the gentleman might spend a little bit of time talking about that experience.

Mr. GOODLING. No question about. The minority and the former majority and the President were very much opposed to flexibility. As I indicated, when it became that successful for those who undertook that opportunity or took advantage of that opportunity, the President then, of course, got all sorts of heat from 50 governors, and then we were able to move that.

What we also said from our side is not that we even want to do that, but we want to also give them the Student Results Act so they have no trouble commingling money to make programs work. When we have a thousand programs, in this case, 700 and some programs, the amount of money each program gets is so small that we cannot do anything worthwhile with it, but if we try to commingle any of it, as I said earlier, we are in trouble with the auditors.

So we say in the Straight As, we can commingle those dollars, all you have to do is prove to us that you can make sure every child improves academically.

Now, I have been told by some States, well, we have enough flexibility. We know what they are saying. They are basically saying we are just happy to take your money. You do not ask us for anything in return. We just take your money, and we do the same thing over and over again.

We do not have a new idea or a creative idea in our heads, so we will just go on taking the money from the taxpayers, from the Federal Government, because we do not require quality. We do not require anything.

It is catching on, because as I said, Texas is a great success story. Maryland has done well. So my hope is that as I retire, we do not forget what the gentleman said what he hears in his sleep every night, quality not quantity, results not process.

Let us get them to stop spending hours and hours and hours of paperwork. In IDEA alone, we use teacher after teacher after teacher in IDEA, because they spend so much time on paperwork that they cannot do what they are trained to do, which is to teach

children, which is what they want to do.

Mr. SCHAFFER. That is the real hardship, I might add, that we see with all of these Federal programs is the paperwork, the red tape, the rules that go along with what amounts to pretty small amount of funds.

The gentleman is right that with so many Federal programs, we spend a lot of money in Washington, about \$40 billion a year just on the program costs for the U.S. Department of Education, and that is not even mentioning the other \$80 billion that is managed through student loans by the U.S. Department.

We just need to focus on the \$40 billion that we budgeted and allocated towards education, each dollar is sent out from Washington to various States and school districts with all kinds of requirements attached to it, much of which has nothing to do with the quality of education. Some governors frankly do not understand that.

This is an easy process for some of them. As the gentleman said, they just get the money from Washington, and they turn around and spend it, and it appears to their constituents that they are accomplishing something with nothing.

Again, where the real hardship is realized is at the street level, at the schoolroom level, the classroom level, where these principals, administrators, secretaries, teachers have to deal with these monotonous rules and these monotonous regulations.

Only about 6 percent to 7 percent, maybe sometimes 8 percent of a classroom budget is Federal funds. The rest comes from your State or it comes from local property taxes. So a tiny portion is all we are talking about when we are talking the amount of dollars that goes into a classroom.

The tragedy is for the 6 percent, 7 percent or 8 percent of Federal funds that makes it into a classroom, probably 50 percent to 60 percent of the paperwork requirements are attached to that small amount of Federal dollars. That is what we want to eliminate.

We want to allow flexibility so that we can actually increase the power of the money that is already spent. We do not need to really spend more, if we just spend it more wisely. We can be more effective.

Mr. GOODLING. When we were negotiating the 100,000 teachers last year, the first thing the administration said is we have to take about 10 percent off the top, I think they wanted 15 percent, to keep on the Federal level. I said, wait a minute, you are not hiring the teachers. The local school board is hiring the teachers. Then they called back and said we certainly need 10 percent for the States off the top.

I said, wait a minute. The State is not hiring the teachers. The local school districts are hiring the teachers; that is where the money should go. Of course, we won that argument because it makes sense.

Mr. SCHAFFER. That is the educational empire which the gentleman just described, which is so hard to understand. There is such momentum, and all of these people that are employed, and not only at the U.S. Department of Education, but the State Departments of Education, they make careers out of this paperwork and these rules. Somebody reads all of this stuff.

Somebody actually opens up the mail when the superintendent fills out the paperwork and sends it to Washington. There is a person here in Washington whose job it is to open up all of these forms and compile them and collate them and make reports on them.

When we start talking about getting rid of the rules and regulations, consolidating programs and increasing flexibility, our goal is to help children. Unfortunately, some people in Washington feel threatened by our objective to help kids.

There is a huge bureaucratic empire that is sustained through all of the monotony, and that is the objective of the Vice President and President. They have worked tirelessly to preserve this large bureaucracy to preserve all of these rules, to preserve these regulations, and make decisions here in Washington D.C.

Our message, our Republican message, is very different, one that the Governor of Texas tonight and every time he speaks articulates for us so well; that is, we should not be trusting of the bureaucrats in Washington. We should be trusting of the teachers who actually know the name of the children.

We should be trusting of the principals who knows the name of the teachers. We should be trusting of the superintendents who can name all of the principals and many of the players in a school district. We should also be trusting the school board members who make the policy decisions who are elected by local communities, by our friends and our neighbors.

The farther away we get from the classroom in terms of decision-making, accountability, the poorer the decisions are made, and the greater the opportunity for mismanagement. My goodness, the President and the President's own agencies have documented this repeatedly, they have written books on the matter of waste, fraud and abuse in their own agency, which are replete with examples and there are real opportunities to fix these problems and get the money to the classroom.

After 8 years, the Vice President has done nothing. He has not lifted a finger to help us in our efforts to streamline this bureaucracy and get the money, get the flexibility, get the decision-making to the people who deserve it.

Mr. GOODLING. I am reminded each time that we were negotiating that both the President and the Secretaries were governors. Think in terms of being a governor, rather than being a Washington bureaucrat, and you will be offering far better solutions to prob-

lems, than being a bureaucrat in Washington, D.C.

Mr. SCHAFFER. Of course, Governor Bush understands the perspective of being a governor. He has worked in partnership, not always Republicans; this has not been solely a Republican success, although, it is a Republican philosophy. He has had to work with Democrats here in Congress as well, Democrats of the Texas delegation, Democrats in the Texas State House and the State Senate.

He understands working across the aisle, and that is a real sign of leadership when somebody can, as Governor Bush has done, raise the priority of children over and above everything else, over and above the bureaucracy, over and above the politics and state as a public goal, the number 1 objective for education is to raise the achievement of all children. We are going to start with the ones who are suffering the most.

We have seen the Governor of Texas accomplish that in his State. It has just been remarkable how that kind of leadership has brought all of us together toward that goal. What I am afraid of is that many Americans may not realize the conflict in vision between these two men running for President of the United States.

We have the Bush model from the perspective of a governor that we support that says children should be the number 1 objective of our education reform efforts; that is in stark contrast to the 8-year record of the Vice President, which has been to preserve bureaucracy, to preserve waste, fraud, abuse and mismanagement, to write books on how bad it is, and spend 8 years doing nothing about it. That is a huge conflict in vision and an important choice that I think we all need to think about very seriously.

After this election, the gentleman and I and all of our colleagues here in Washington are going to have to deal with the attitude of the White House.

Mr. Speaker, I am hoping the Bush attitude of putting children first is something that we all will be celebrating and rallying around. I know many people around the country will learn more about that tonight.

I am fearful that not enough share our enthusiasm for putting children ahead of bureaucracy and may be persuaded by this simple, unimaginable message that we hear coming out of the White House and from the Vice President that just says spend more, spend more, spend more. There is nothing else to say, just spend more.

Mr. GOODLING. Again, there is no question that we are moving in the right direction as a new majority, because we are putting children first. Everybody should be thinking about putting children first. They are our future. The tragedy is that 50 percent of our children today are not going to be ready to get a piece of the American dream in the 21st Century, the high-tech century. What a tragedy.

We are going to vote again to bring another 200,000 people from other countries to do our high-tech jobs, our \$40,000, \$50,000, \$60,000 a year jobs because we do not have our own ready to take those jobs.

We cannot survive as a great society if we continue to do that. We must tackle the problem.

Mr. SCHAFFER. The contrast again could not be clearer. The Texas record is one of improving test scores. This is a graph of the Texas 4th graders when it comes to reading skills. Back in 1994, when Governor Bush took over the governorship in Texas, only 75 percent of Texas 4th graders could read at grade level, and that has increased to almost 90 percent in 1999.

That is a remarkable improvement. This is a huge contrast to what has been created by the Clinton-Gore administration. If we take, for example, the third international math study, math-science study comparison, which ranked American students Nationwide against their peers with 21 other industrial countries, we come in 19th.

This is something we have known about for 8 years that the Clinton and Gore regime have occupied the White House, and our test scores have not improved. They have gotten worse. So I guess the question that Americans need to decide in the next few days is whether we want to see the Texas style rates of improvement of dramatic increases in academic performance or whether we want to see the Clinton-Gore kinds of trends, which is declining performance when compared to international peers in the case of math and science.

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I love Colorado. It is a great State. But nobody from Colorado is running for President of the United States. Of the two models, the bad Washington, D.C. model versus the good Texas model, I will choose the Texas model every time. I prefer that for my kids. I know most of my friends and neighborhoods around my district would far prefer to see improving test scores for their children, not declining test course. All of this is critically important to maintaining strength and solvency of our Republic.

It is going to be an interesting evening tonight as that debate gets under way in just a minute. I am really hopeful that Americans will remember the difference in opportunity, the opportunity that the White House has had, that AL GORE has had as Vice President of the United States, which he has squandered, he has done nothing about some of the problems that he has known to exist through the Department of Education, versus dramatic improvements that real leadership in Texas have achieved for real children with real parents in real communities in a State that has enjoyed great leadership. Now, that kind of leadership is something that we can have for the whole country.

Mr. GOODLING. Mr. Speaker, the Governor Bush model, of course, is the model I have tried to follow for 26 years, and that is to put people before politics but put children before politics. That is what he has done in Texas. That is why we have seen the kind of improvement that we see in Texas. Those children most in need in Texas are receiving the benefits that all of these programs that were created in Washington wanted to see happen, but it did not happen. It has happened with his leadership and leading a Democrat House and a Democrat Senate.

Mr. SCHAFFER. Mr. Speaker, I am grateful for the opportunity to be recognized tonight.

Mr. PAUL. Mr. Speaker, I thank the gentleman from Michigan and the gentleman from Colorado for allowing me the opportunity to express my thoughts on the education reform debate that is sure to consume much of our time in the remaining days of the 106th Congress. For all the sound and fury generated by the argument over education, the truth is that the differences between the congressional leadership and the administration are not significant; both wish to strengthen the unconstitutional system of centralized education. I trust I need not go into the flaws with President Clinton's command-and-control approach to education. However, this Congress has failed to present a true, constitutional alternative to President Clinton's proposal to further nationalize education.

It is becoming increasingly clear that the experiment in centralized control of education has failed, and that the best means of improving education is to put parents back in charge. According to a recent Manhattan Institute study of the effects of state policies promoting parental control over education, a minimal increase in parental control boosts students' average SAT verbal score by 21 points and students' SAT math score by 22 points! The Manhattan Institute study also found that increasing parental control of education is the best way to improve student performance on the National Assessment of Education Progress (NAEP) tests. Clearly, the drafters of the Constitution knew what they were doing when they forbade the Federal Government from meddling in education.

American children deserve nothing less than the best educational opportunities, not warmed-over versions of the disastrous educational policies of the past. That is why I introduced H.R. 935, the Family Education Freedom Act. This bill would give parents an inflation-adjusted \$3,000 per annum tax credit, per child for educational expenses. The credit applies to those in public, private, parochial, or home schooling.

This bill creates the largest tax credit for K-12 education in the history of our great Republic and it returns the fundamental principle of a truly free economy to America's education system: what the great economist Ludwig von Mises called "consumer sovereignty." Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education "market." Funding deci-

sions are increasingly controlled by the federal government. Because "he who pays the piper calls the tune," public, and even private schools, are paying greater attention to the dictates of federal "educrats" while ignoring the wishes of the parents to an ever-greater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with state control. Restoring parental control is the key to improving education.

Of course, I applaud all efforts which move in the right direction such as the Education Savings Accounts legislation (H.R. 7). President Clinton's college tax credits are also good first steps in the right direction. However, Congress must act boldly—we can ill afford to waste another year without a revolutionary change in our policy. I believe my bill sparks this revolution and I am disappointed that the leadership of this Congress chose to ignore this fundamental reform and instead focused on reauthorizing great society programs and promoting the pseudo-federalism of block grants.

One area where this Congress has so far been successful in fighting for a constitutional education policy was in resisting President Clinton's drive for national testing. I do wish to express my support for the provisions banning the development of national testing contained in the Education Appropriations bill, and thank Mr. GOODLING for his leadership in this struggle.

Certain of my colleagues champion proposals to relieve schools of certain mandates so long as states and localities agree to be held "accountable" to the federal government for the quality of their schools. I have supported certain of these proposals because they do provide states and localities the option of escaping certain federal mandates.

However, there are a number of both practical and philosophical concerns regarding these proposals. The primary objection to this approach, from a constitutional viewpoint, is embedded in the very mantra of "accountability" stressed by the plans' proponents. Talk of accountability begs the question: accountable to whom? Under these type of plans, schools remain accountable to federal bureaucrats and those who develop the state tests upon which a schools' performance is judged. Should the schools not live up to their bureaucratically-determined "performance goals," they will lose their limited freedom from federal mandates. So federal and state bureaucrats will determine if the schools are to be allowed to participate in these programs and bureaucrats will judge whether the states are living up to the standards set in the state's education plan—yet this is supposed to debureaucratize and decentralize education!

Even absent the "accountability" provisions spending billions of taxpayer dollars on block grants is a poor way of restoring control over education to local educators and parents. Some members claim that the expenditure levels for not matter, it is the way the money is spent which is important. Contrary to the view of the well-meaning but misguided members who promote block grants, the amount of taxpayer dollars spent on federal education does matter.

First of all, the federal government lacks constitutional authority to redistribute monies between states and taxpayers for the purpose of education, regardless of whether the monies are redistributed through federal programs

or through grants. There is no "block grant exception" to the principles of federalism embodied in the U.S. Constitution.

Furthermore, the federal government's power to treat state governments as their administrative subordinates stems from an abuse of Congress' taxing-and-spending power. Submitting to federal control is the only way state and local officials can recapture any part of the monies of the federal government has illegitimately taken from a state's citizens. Of course, this is also the only way state officials can tax citizens of other states to support their education programs. It is the rare official who can afford not to bow to federal dictates in exchange for federal funding!

As long as the federal government controls education dollars, states and local schools will obey Federal mandates; the core program is not that federal monies are given with the inevitable strings attached, the real problem is the existence of federal taxation and funding.

Since federal spending is the root of federal control, by increasing federal spending this Congress is laying the groundwork for future Congresses to fasten more and more mandates on the states. Because state and even local officials, not federal bureaucrats, will be carrying out these mandates, this system could complete the transformation of the state governments into mere agents of the federal government.

While it is true that lower levels of intervention are not as bad as micro-management at the federal level, Congress' constitutional and moral responsibility is not to make the federal education bureaucracy "less bad." Rather, we must act now to put parents back in charge of education and thus make American education once again the envy of the world.

Hopefully the next Congress will be more reverent toward their duty to the U.S. Constitution and America's children. The price of Congress's failure to return to the Constitution in the area of education will be paid by the next generation of American children. In short, we cannot afford to continue on the policy road we have been going down. The cost of inaction to our future generations is simply too great.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2415, AMERICAN EMBASSY SECURITY ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-971) on the resolution (H. Res. 624) waiving points of order against the conference report to accompany the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 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.RES. 596, AFFIRMATION OF THE UNITED STATES RECORD ON ARMENIAN GENOCIDE

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-972) on the resolution (H.

Res. 625) providing for consideration of the resolution (H.Res. 596) calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-973) on the resolution (H. Res. 626) waiving points of order against the conference report to accompany the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J.RES. 111, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-974) on the resolution (H. Res. 627) providing for consideration of the joint resolution (H.J. Res. 111) making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF A MOTION TO CONCUR IN THE SENATE AMENDMENT WITH AN AMENDMENT TO H.R. 4386, BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-975) on the resolution (H. Res. 628) providing for consideration of the Senate amendment to the bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screen program, to amend the Public Health Service Act and the federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus

(HPV), and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PASTOR (at the request of Mr. GEPHARDT) for today after 4:00 p.m. on account of official business.

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. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mrs. CAPPS, for 5 minutes, today.
Mrs. MINK of Hawaii, for 5 minutes, today.
Mr. FALCOMA, for 5 minutes, today.
Mr. HOLT, for 5 minutes, today.
Mr. NADLER, for 5 minutes, today.
Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.
Mr. MCGOVERN, for 5 minutes, today.
Mrs. MALONEY of New York, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.
(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today and October 12 and 13.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today and October 12.

Mr. TANCREDO, for 5 minutes, today.

Mr. HORN, for 5 minutes, today and October 12 and 13.

Mr. WAMP, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. PORTER, for 5 minutes, today and October 12.

Mr. PETERSON of Pennsylvania, for 5 minutes, today and October 12.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. BILBRAY, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2417. An act to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes; to the Committee on Transportation and Infrastructure.

S. 2528. An act to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support; to the Committee on Commerce.

Wednesday, October 11, 2000

Daily Digest

HIGHLIGHTS

- Senate agreed to the Conference Report on Trafficking Victims Protection Act.
- House agreed to Conference Report on H.R. 4205, Floyd D. Spence National Defense Authorization.
- House voted to override the President's veto of H.R. 4733, Energy and Water Appropriations.
- House agreed to Conference Report on H.R. 4461, Agriculture, FDA, and Related Agencies Appropriations.
- House passed H.R. 5417, to rename the Stewart B. McKinney Homeless Assistance Act as the McKinney-Vento Homeless Assistance Act.

Senate

Chamber Action

Routine Proceedings, pages S10163–S10274

Measures Introduced: Seven bills and three resolutions were introduced, as follows: S. 3183–3189, and S. Con. Res. 147–149. **Page S10252**

Measures Reported:

S. 1495, to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness, with an amendment in the nature of a substitute. (S. Rept. No. 106–496)

S. 2580, to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, with an amendment in the nature of a substitute. (S. Rept. No. 106–497)

S. 2920, to amend the Indian Gaming Regulatory Act, with an amendment in the nature of a substitute. (S. Rept. No. 106–498) **Page S10252**

Measures Passed:

National Museum of the American Indian Commemorative Coin: Senate passed H.R. 4259, to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, clearing the measure for the President. **Page S10266**

Export Administration Modification and Clarification Act: Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 5239, to provide for increased penalties for violations of the Export Administration Act of 1979, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Page S10266
Warner (for Gramm/Enzi) Amendment No. 4305, to provide for a simple one-year extension of the Export Administration Act of 1979. **Page S10266**

Inaugural Ceremonies Archive: Senate agreed to S. Con. Res. 148, to provide for the disposition and archiving of the records, files, documents, and other materials of joint congressional committees on inaugural ceremonies. **Pages S10261, S10266–67**

Poland Workers' Strikes Commemorative: Senate agreed to S. Con. Res. 131, commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnose, after agreeing to a committee amendment. **Pages S10267–68**

Santo Domingo Pueblo Claims Settlement Act: Committee on Energy and Natural Resources was discharged from further consideration of S. 2917, to settle the land claims of the Pueblo of Santo Domingo, and the bill was then passed. **Pages S10268–70**

Enrollment Correction: Senate agreed to S. Con. Res. 149, to correct the enrollment of H.R. 3244. **Pages S10261, S10271**

Southeast Federal Center Public-Private Development Act: Senate passed H.R. 3069, to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia, after agreeing to committee amendments. **Pages S10271–72**

Certification of Mexico: Committee on Foreign Relations was discharged from further consideration of S. Res. 366, expressing the Sense of the Senate on the Certification of Mexico, and the resolution was then agreed to. **Page S10272**

Transportation Recall Enhancement, Accountability, and Documentation Act: Senate passed H.R. 5164, to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, clearing the measure for the President. **Pages S10229–32, S10272–74**

Trafficking Victims Protection Act Conference Report: By a unanimous vote of 95 yeas (Vote No. 269), Senate agreed to the conference report on H.R. 3244, to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking. **Pages S10164–S10210, S10211–28**

During consideration of this measure today, Senate also took the following action:

By 90 yeas to 5 nays (Vote No. 268), upon appeal, Senate upheld the ruling of the Chair in not sustaining a point of order against the conference report that the conference text, Section 2001, regarding Aimee’s Law, is not in the jurisdiction of the Committee on Foreign Relations. **Pages S10227–28**

VA–HUD Appropriations Agreement: A unanimous-consent-time agreement was reached providing for consideration of H.R. 4635, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and certain amendments to be proposed thereto, on Thursday, October 12, 2000, with votes to occur on the proposed amendments and final passage beginning at 12:30 p.m. Further consent was reached providing that following the vote on final passage, Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate. **Page S10210**

Legislative Branch Appropriations Conference Report—Agreement: A unanimous-consent agree-

ment was reached providing that following the vote on the adoption of the VA-HUD Appropriations bill, the motion to proceed to the motion to reconsider the vote by which the conference report on H.R. 4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, was not agreed to be immediately agreed to and a vote occur on adoption of the conference report. **Pages S10210, S10229**

Veto Message—Energy and Water Development Appropriations: The veto message with respect to H.R. 4733, making appropriations for energy and water development for the fiscal year ending September 30, 2001, be considered as having been read, printed in the Record, and spread in full upon the Journal and the message then be referred to the Committee on Appropriations. **Pages S10210–11, S10228–29**

Appointment:

NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Berlin, Germany, November 17–22, 2000: Senators Grassley, Hutchinson, Sarbanes, and Mikulski. **Page S10266**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to the Constitution, the report of the veto message on H.R. 4733, the Energy and Water Development Appropriations Act of 2001; which was ordered spread upon the pages of the Journal, printed in the Record, and referred to the Committee on Appropriations. (PM–132) **Page S10249**

Messages From the President: **Page S10249**

Messages From the House: **Pages S10249–51**

Communications: **Pages S10251–52**

Statements on Introduced Bills: **Pages S10252–60**

Additional Cosponsors: **Pages S10260–61**

Amendments Submitted: **Page S10261**

Additional Statements: **Pages S10244–45**

Enrolled Bills Presented: **Page S10251**

Veto Message Received (H.R. 4733) **Page S10249**

Privileges of the Floor: **Page S10261**

Record Votes: Two record votes were taken today. (Total—269) **Pages S10227–28, S10228**

Recess: Senate convened at 9:32 a.m., and recessed at 6:50 p.m., until 9:30 a.m., on Thursday, October 12, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10274.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Finance: Committee concluded hearings on the nominations of Stephen J. Swift and Joel Gerber, both of Virginia, each to be a Judge of the United States Tax Court, Troy Hamilton Cribb, of the District of Columbia, to be an Assistant Secretary of Commerce, Thomas R. Saving, of Texas, and John L. Palmer, of New York, each to be a Member of the Board of Trustees of the Federal Hos-

pital Insurance Trust Fund, and Mark A. Weinberger, of Maryland, and Gerald M. Shea, of the District of Columbia, each to be a Member of the Social Security Advisory Board, after the nominees testified and answered questions in their own behalf. Mr. Cribb was introduced by Senator Hollings.

U.S. SIERRA LEONE POLICY

Committee on Foreign Relations: Subcommittee on African Affairs concluded hearings on issues relating to United States policy regarding Sierra Leone, focusing on recent civil conflicts and what can be done to help bring peace and justice to the country, after receiving testimony from Susan E. Rice, Assistant Secretary of State for African Affairs; William Reno, Northwestern University Department of Political Science, Evanston, Illinois; and Adotei Akwei, Amnesty International USA, Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 13 public bills, H.R. 5438–5450; 2 private bills, H.R. 5451–5454; and; 6 resolutions, H.J. Res. 111–112; H. Con. Res. 423–424, and H. Res. 622–623 were introduced. **Page H9767**

Reports Filed: Reports were filed today as follows.

S. 11, for the relief of Wei Jingsheng (H. Rept. 106–955);

S. 150, to the relief of Marina Khalina and her son, Albert Mifakhov (H. Rept. 106–956);

S. 199, for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko (H. Rept. 106–957);

S. 276, for the relief of Sergio Lozano, Faurico Lozano and Ana Lozano (H. Rept. 106–958);

S. 785, for the relief of Frances Schochenmaier (H. Rept. 106–959);

S. 869, for the relief of Mina Vahedi Notash (H. Rept. 106–960);

S. 1078, for the relief of Mrs. Elizabeth Eka Bassey and her children, Emmanuel O. Paul Bassey, Jacob Paul Bassey, and Mary Idongesit Paul Bassey (H. Rept. 106–961);

S. 1513, for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas (H. Rept. 106–962);

S. 2000, for the relief of Guy Taylor (H. Rept. 106–963);

S. 2002, for the relief of Tony Lara (H. Rept. 106–964);

S. 2019, for the relief of Malia Miller (H. Rept. 106–965);

S. 2289, for the relief of Jose Guadalupe Tellez Pinales (H. Rept. 106–966);

H.R. 1441, to amend section 8(a) of the National Labor Relations Act (H. Rept. 106–967);

H.R. 2434, to require labor organizations to secure prior, voluntary, written authorization as a condition of using any portion of dues or fees for activities not necessary to performing duties relating to the representation of employees in dealing with the employer on labor-management issues (H. Rept. 106–968);

Conference report on H.R. 4392, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (H. Rept. 106–969);

Conference report on H.R. 2415, to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000 (H. Rept. 106–970);

H. Res. 624, waiving points of order against the conference report to accompany H.R. 2415, to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000 (H. Rept. 106–971);

H. Res. 625, providing for consideration of H. Res. 596. calling upon the President to ensure that

the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide (H. Rept. 106-972);

H. Res. 626, waiving points of order against the conference report to accompany H.R. 4392, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System (H. Rept. 106-973);

H. Res. 627, providing for consideration of H.J. Res. 111, making further continuing appropriations for the fiscal year 2001 (H. Rept. 106-974); and

H. Res. 628, providing for consideration of the Senate amendment to H.R. 4386, to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV) (H. Rept. 106-975). **Pages H9766-67**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Cooksey to act as Speaker pro tempore for today.

Page H9637

Floyd D. Spence National Defense Authorization Conference Report: The House agreed to the conference report on H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001 by a ye and nay vote of 382 yeas to 31 nays, Roll No. 522. **Pages H9641-66**

Agreed to H. Res. 616, the rule waiving points of order against the conference report by voice vote.

Page H9666

Veto Override Energy and Water Appropriations: The House voted to override the President's veto on H.R. 4733, making appropriations for energy and water development for the fiscal year ending September 30, 2001, by a two-thirds ye and nay vote of 315 yeas to 98 nays, Roll No. 523.

Pages H9666-69

Agriculture, FDA, and Related Agencies Appropriations: The House agreed to the conference report on H.R. 4461, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for fiscal

year ending September 30, 2001 by a ye and nay vote of 340 yeas to 175 nays, Roll No. 525.

Pages H9670-80, H9681-H9709

Agreed to H. Res. 617, the rule that waived points of order against the conference report by voice vote, and agreed to order the previous question by a ye and nay vote of 214 yeas to 201 nays, Roll No. 524.

Pages H9670-80

Developmental Disabilities Assistance and Bill of Rights: The House passed S. 1809, to improve service systems for individuals with developmental disabilities—clearing the measure for the President. Subsequently, the House agreed to S. Con. Res. 133, to correct the enrollment of S. 1809. **Pages H9769-88**

American Embassy Security and Bankruptcy Reform Conference: The House disagreed with the Senate amendment to H.R. 2415, to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000 and agreed to a conference. Appointed as conferees: Chairman Hyde and Representatives, Gekas, Arme, Conyers, and Nadler.

Pages H9788-96, H9816

Agreed to the Nadler motion to instruct conferees to insist that (1) a meeting of the committee of conference be held and that all such meetings (a) be open to the public and to the print and electronic media and (b) be held in venues selected to maximize the capacity for attendance by the public and the media and (2) the committee of conference allow sufficient opportunity for members of the committee on conference to offer and to debate amendments to the matters in conference at all meetings of the committee of conference by a ye and nay vote of 398 yeas to 1 nay, Roll No. 526.

Pages H9791-96

Certified Development Company Program Improvements: The House insisted on its amendment to the Senate amendment to H.R. 2614, to amend the Small Business Investment Act to make improvements to the certified development company program and agreed to a conference. Appointed as conferees Chairman Talent and Representatives Arme and Velazquez.

Page H9796

McKinney-Vento Homeless Assistance Act: The House passed H.R. 5417, to rename the Stewart B. McKinney Homeless Assistance Act as the "McKinney-Vento Homeless Assistance Act."

Pages H9796-H9800

Reduced Rate Mail: The House passed S. 2686, to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter—clearing the measure for the President.

Pages H9801-03

Senate Messages: Messages received from the Senate today appears on page H9637.

Referrals: S. 2417 was referred to the Committee on Transportation and Infrastructure and S. 2528 was referred to the Committee on Commerce. **Page H9816**

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of the House today and appear on pages H9795–96. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:11 p.m.

Committee Meetings

PRIVACY PROTECTIONS FOR CONSUMERS

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on Recent Developments in Privacy Protections for Consumers. Testimony was heard from Representatives Shaw and Goodlatte; Linda D. Koontz, Director, Information Management Issues, GAO; Sally Katzen, Deputy Director, Management, OMB; Roger Baker, Chief Information Officer, Department of Commerce; Robert Pitofsky, Chairman, FTC; and public witnesses.

ANTHRAX VACCINE IMMUNIZATION PROGRAM

Committee on Government Reform: Continued hearings on The Anthrax Vaccine Immunization Program—What Have We Learned? Part II. Testimony was heard from Kwai-Cheung Chan, GAO; Maj. Gen. Randall L. West, USMC, Senior Advisor to the Deputy Secretary, Chemical and Biological Protection, Department of Defense; and public witnesses.

U.N. PEACEKEEPING MISSIONS—POLICY BLUEPRINT FOR APPROVING

Committee on International Relations: Held a hearing to review the Policy Blueprint for Approving U.N. Peacekeeping Missions. Testimony was heard from public witnesses.

PRIVATE BILLS

Committee on the Judiciary: Ordered reported eleven private bills.

AFFIRMATION OF THE UNITED STATES RECORD ON THE ARMENIAN GENOCIDE

Committee on Rules: Granted, by voice vote, a closed rule on H. Res. 596, affirmation of the U.S. Record on the Armenian Genocide Resolution, providing one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule provides that the amendment in the

nature of a substitute recommended by the Committee on International Relations now printed in the resolution shall be considered as adopted. Finally, the rule provides one motion to recommit. Testimony was heard from Representatives Burton of Indiana, Smith of New Jersey, Radanovich, Whitfield, and Pallone.

MAKING FURTHER CONTINUING APPROPRIATIONS FY 2001

Committee on Rules: Granted, by voice vote, a closed rule waiving all points of order against consideration of H.J. Res. 111, making further continuing appropriations for the fiscal year 2001. The rule provides one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. Finally, the rule provides one motion to recommit.

FY 2001 INTELLIGENCE AUTHORIZATION ACT CONFERENCE REPORT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report on Conference report on H.R. 4392, FY 2001 Intelligence Authorization Act and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Goss.

AMERICAN EMBASSY SECURITY ACT CONFERENCE REPORT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report on H.R. 2415, American Embassy Security Act, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative Gekas.

BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT MOTION TO CONCUR IN THE SENATE AMENDMENT WITH AN AMENDMENT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against a motion to concur in the Senate amendment to H.R. 4386, Breast and Cervical Cancer Prevention and Treatment Act, with an amendment. The rule provides one hour of debate in the House on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. Finally, the rule waives all points of order against the amendment printed in the Rules Committee report.

AIRLINES AND PASSENGERS—EFFECT OF FUEL PRICE INCREASES

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Effect of

Fuel Price Increases on Airlines and Passengers. Testimony was heard from public witnesses.

Joint Meetings

AUTHORIZATION—INTELLIGENCE

Conferees on Tuesday, October 10 agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 4392, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System.

APPROPRIATIONS—DISTRICT OF COLUMBIA

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 4942, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001.

AUTHORIZATION—COAST GUARD

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 820, to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, but did not complete action thereon, and recessed subject to call.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1027)

H.R. 940, to designate the Lackawanna Valley and the Schuylkill River National Heritage Areas. Signed October 6, 2000. (P.L. 106–278)

H.R. 2909, to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Signed October 6, 2000. (P.L. 106–279)

H.R. 4919, to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make

improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries. Signed October 6, 2000. (P.L. 106–280)

H.R. 5193, to amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program. Signed October 6, 2000. (P.L. 106–281)

H.J. Res. 110, making further continuing appropriations for the fiscal year 2001. Signed October 6, 2000. (P.L. 106–282)

S. 430, to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation. Signed October 6, 2000. (P.L. 106–283)

COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 12, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine the status of Gulf War illnesses, 9:30 a.m., SD-124.

House

Committee on Commerce, hearing on the Global Need for Access to Safe Drinking Water, 10 a.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on U.S. Aid to Colombia, 1:30 p.m., 2154 Rayburn.

Committee on House Administration, to consider pending business, 3 p.m., 1310 Longworth.

Committee on International Relations, hearing on Implementation of the Iran Nonproliferation Act of 2000: Is Loss of Life Imminent on the International Space Station? 10 a.m., 2172 Rayburn.

Committee on Ways and Means, Subcommittee on Oversight, hearing on Employee Stock Option Plans, 10:30 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Thursday, October 12

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, October 12

Senate Chamber

Program for Thursday: Senate will consider H.R. 4635, VA–HUD Appropriations and certain amendments to be proposed thereto, with votes to occur thereon beginning at 12:30 p.m.; following which, Senate will consider and agree to the motion to proceed to the motion to reconsider the vote by which the conference report on H.R. 4516, Legislative Branch Appropriations was not agreed to, and immediately vote on adoption of the conference report.

Also, Senate expects to begin consideration of the Conference Report on H.R. 4205, Defense Authorization.

House Chamber

Program for Thursday: Consideration of H.J. Res. 111, Further Continuing Appropriations (closed rule, one hour of debate);

Consideration of the conference report on H.R. 2415, American Embassy Security Act/Bankruptcy Reform (rule waiving points of order);

Concurring in the Senate amendment to H.R. 4386, Breast and Cervical Cancer Prevention and Treatment Act of 2000, with an amendment (closed rule, one hour of debate); and

Consideration of the conference report on H.R. 4392, Intelligence Authorization Act for Fiscal Year 2001 Conference Report (rule waiving points of order).



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