But Hank Aaron gave us so much more, as a ballplayer and as a man. In this age of skyrocketing salaries and off-the-field soap operas, Hank Aaron provides all of us with a benchmark of professionalism and a shining example for our children of what success is all about.

Later on in the evening of April 8, 1974, Aaron told reporters the record-breaking homer wouldn't have meant as much if the Braves hadn't won the game. What humility. Thanks, Hank: your feat meant so much more to the American people because of the way you accomplished it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the Members not to introduce occupants of the gallery.

The question is on the motion offered by the gentleman from Georgia (Mr. CHAMBLISS) that the House suspend the rules and agree to the resolution, House Resolution 279, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 2130

DISCRETIONARY SPENDING OFFSETS ACT FOR FISCAL YEAR 2000

Mr. LEWIS of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3085) to provide discretionary spending offsets for fiscal year 2000, as amended.

The Clerk read as follows:

H.R. 3085

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Discretionary Spending Offsets Act for Fiscal Year 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—OFFSETS FOR DISCRETIONARY SPENDING

Subtitle A—Agriculture

PART I—FOOD SAFETY INSPECTION AND ENFORCEMENT FEES

SEC. 111. FEES FOR INSPECTION OF POULTRY AND POULTRY PRODUCTS AND RELATED ACTIVITIES.

(a) USER FEES AUTHORIZED.—Section 25 of the Poultry Products Inspection Act (21 U.S.C. 468) is amended to read as follows:

''SEC. 25. FEES FOR INSPECTION OF POULTRY AND POULTRY PRODUCTS AND RELATED ACTIVITIES.

''(a) IMPOSITION AND COLLECTION OF FEES.—Except as provided in subsection (e), the Secretary shall charge and collect fees in a fair and equitable manner to cover all costs (including the costs of providing inspection services to establishments and of conducting enforcement actions) incurred by the Secretary and the inspection service to administer this Act.

''(b) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(c) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (b) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

''(d) SECURITY.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

''(e) FEE EXCEPTION FOR CERTAIN ACTIVITIES.—Subsection (a) shall not apply to the costs associated with cooperating with State agencies and other Federal agencies in accordance with section 5 and the costs of the Safe Meat and Poultry Inspection Panel incurred under section 30.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 26 of the Poultry Products Inspection Act (21 U.S.C. 469) is amended to read as follows:

''SEC. 26. AUTHORIZATION OF APPROPRIATIONS.

''There are hereby authorized to be appropriated such sums as may be necessary to carry out sections 5 and 30.''.

(c) ANNUAL REPORT.—Section 27 of the Poultry Products Inspection Act (21 U.S.C. 470) is amended to read as follows:

''SEC. 27. ANNUAL REPORT.

''The Secretary shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate with respect to the following:

''(1) The slaughter of poultry subject to this Act.

''(2) The preparation, storage, handling, and distribution of poultry parts and poultry products.

''(3) The inspection of establishments operated in connection with the activities specified in paragraphs (1) and (2).

''(4) Fee setting activities authorized under section 25.

''(5) The operations under and the effectiveness of this Act.''.

SEC. 112. FEES FOR INSPECTION OF LIVESTOCK, MEAT, AND MEAT PRODUCTS AND RELATED ACTIVITIES.

(a) USER FEES AUTHORIZED.—Section 411 of the Federal Meat Inspection Act (21 U.S.C. 680) is amended to read as follows:

''SEC. 411. FEES FOR INSPECTION OF LIVESTOCK, MEAT, AND MEAT PRODUCTS AND RELATED ACTIVITIES.

''(a) IMPOSITION AND COLLECTION OF FEES.—Except as provided in subsection (e), the Secretary shall charge and collect fees in a fair and equitable manner to cover all costs (including the costs of providing inspection services to establishments and of conducting enforcement actions) incurred by the Secretary to administer this Act and section 17 of the Wholesome Meat Act (21 U.S.C. 691).

''(b) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(c) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (b) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

''(d) SECURITY.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

''(e) FEE EXCEPTION FOR CERTAIN ACTIVITIES.—Subsection (a) shall not apply to the costs associated with cooperating with State agencies and other Federal agencies in accordance with section 301 and the costs of the Safe Meat and Poultry Inspection Panel established under section 410.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended—

(1) in section 410 (21 U.S.C. 679a), by striking subsection (i); and

(2) by inserting after section 411 (21 U.S.C. 680) the following new section:

''SEC. 412. AUTHORIZATION OF APPROPRIATIONS.

''There are hereby authorized to be appropriated such sums as may be necessary to carry out sections 301 and 410.''.

(c) ANNUAL REPORT.—Section 17 of the Wholesome Meat Act (21 U.S.C. 691) is amended to read as follows:

''SEC. 17. ANNUAL REPORT.

''The Secretary of Agriculture shall annually report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate with respect to the following:

''(1) The slaughter of animals subject to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

''(2) The preparation, storage, handling, and distribution of carcasses, parts thereof, and meat and meat food products of such animals.

''(3) The inspection of establishments operated in connection with the activities specified in paragraphs (1) and (2).

''(4) Fee setting activities authorized under section 411 of the Federal Meat Inspection Act.

''(5) The operations under and the effectiveness of the Federal Meat Inspection Act.''.

SEC. 113. FEES FOR INSPECTION OF EGG PRODUCTS AND RELATED ACTIVITIES.

(a) USER FEES AUTHORIZED.—Section 24 of the Egg Products Inspection Act (21 U.S.C. 1053) is amended to read as follows:

''SEC. 24. FEES FOR INSPECTION OF EGG PRODUCTS AND RELATED ACTIVITIES.

''(a) IMPOSITION AND COLLECTION OF FEES.—Except as provided in subsection (e), the Secretary shall charge and collect fees in a fair and equitable manner to cover all costs (including the costs of providing inspection services to establishments and of conducting enforcement actions) incurred by the Secretary to administer this Act

''(b) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(c) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (b) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

''(d) SECURITY.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

''(e) FEE EXCEPTION FOR CERTAIN ACTIVITIES.—Subsection (a) shall not apply to the costs associated with the shell egg surveillance program and the costs of cooperating with appropriate State agencies and other governmental agencies in accordance with section 9.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 27 of the Egg Products Inspection Act (21 U.S.C. 1055), to read as follows:

''SEC. 27. AUTHORIZATION OF APPROPRIATIONS.

''Except for the costs of activities supported by fees collected pursuant to section 24, there are authorized to be appropriated such sums as may be necessary to carry out this Act.''.

(c) ANNUAL REPORT.—Section 26 of the Egg Products Inspection Act (21 U.S.C. 1054) is amended—

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (2), by striking the period and inserting ''; and''; and

(3) by inserting at the end the following new paragraph:

''(3) the fee setting activities authorized under section 24.''.

SEC. 114. CONFORMING AMENDMENTS.

(a) PAYMENT FOR OVERTIME WORK.—The Act of July 24, 1919 (7 U.S.C. 394), is amended by striking '', and to accept from such establishments,'' and all that follows through ''for such overtime work''.

(b) PAYMENTS OF COST OF MEAT INSPECTION.—The Act of June 5, 1948 (21 U.S.C. 695), is repealed.

PART II—ASSESSMENTS UNDER TOBACCO PROGRAM

SEC. 121. EXTENSION AND INCREASE IN TOBACCO ASSESSMENT.

Section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) is amended by adding at the end the following new subsection:

''(h) TOBACCO MARKETING ASSESSMENT FOR 1999 AND SUBSEQUENT CROPS.—

''(1) ASSESSMENT REQUIRED.—For each crop of tobacco beginning with the 1999 crop for which price support is made available under this Act, each producer and purchaser of the tobacco, and each importer of the same kind of tobacco, shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment.

''(2) DETERMINATION OF ASSESSMENT RATE.—Subject to paragraph (3), the Secretary shall announce the amount per pound due by crop for each kind of tobacco subject to the assessment. The assessment, to the maximum extent practicable, shall be established so that the total assessment per pound on each kind of tobacco shall be a standard percentage of the respective national average support level for such kind of tobacco.

''(3) REQUIRED COLLECTIONS.—The assessment required by this subsection shall be in such amount to produce, to the maximum extent practicable, a total annual collection estimated to be $60,000,000 in fiscal year 2000.

''(4) ALLOCATION OF ASSESSMENT.—

''(A) DOMESTIC PRODUCERS.—In the case of domestically produced tobacco, the producer of the tobacco shall pay for each pound of tobacco the lesser of—

''(i) 25 percent of the per pound assessment amount as determined in paragraph (2); or

''(ii) 0.5 percent of the national support price for the tobacco.

''(B) PURCHASERS OF DOMESTICALLY PRODUCED TOBACCO.—Purchasers of domestically produced tobacco shall pay the portion of the total assessment on a pound of tobacco which represents the difference between

''(i) the total per pound assessment as provided in paragraph (2); and

''(ii) the amount of such assessment to be paid by the domestic producer as provided in subparagraph (A).

''(C) IMPORTED TOBACCO.—In the case of imported tobacco, the importer shall pay the full amount of the assessment on a pound of tobacco as provided in paragraph (2).

''(5) COLLECTION OF ASSESSMENTS.—Assessments imposed under this subsection, as well as late payment penalties and interest with respect to the assessments, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(6) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under paragraph (5) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to reimburse the Department of Agriculture for costs incurred for administration and other activities in support of tobacco.

''(7) RELATION TO PREVIOUS ASSESSMENT AUTHORITY.—Paragraphs (2) and (3) of subsection (g) shall apply to this subsection.''.

PART III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE COST-SHARE FEES

SEC. 131. BIOTECHNOLOGY TESTING PERMIT USER FEES REGARDING PLANT PESTS.

The Federal Plant Pest Act (7 U.S.C. 150aa et seq.) is amended by adding at the end the following new section:

''SEC. 112. FEES FOR BIOTECHNOLOGY-RELATED SERVICES.

''(a) FEES REQUIRED.—The Secretary shall prescribe and collect to cover the costs of carrying out the provisions of this title that relate to the following:

''(1) The issuance of any biotechnology permit.

''(2) The acknowledgment of any biotechnology notification.

''(3) The review of any biotechnology petition.

''(4) The provision of any other biotechnology service, including the review of organisms and products created through biotechnology.

''(b) EXEMPTIONS.—The Secretary may exempt certain persons from paying fees prescribed under this section, including persons conducting research and development activities that receive State or Federal funds and have no commercial intent.

''(c) LIABILITY.—Any person for whom an activity is performed pursuant to this title for which a charge is authorized shall be liable for payment of fees as prescribed by the Secretary.

''(d) SECURITY.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

''(e) SUSPENSION OF SERVICE.—The Secretary may suspend performance of services to persons who have failed to pay fees, late payment fees, late payment penalties, or accrued interest incurred under this section.

''(f) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(g) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (f) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

''(h) DEFINITION OF PERSON.—In this section, the term 'person' means an individual, corporation, partnership, trust, association, or any other public or private entity, except that the term does not include Federal entities, or any officer, employee, or agent of a Federal entity.''.

SEC. 132. BIOTECHNOLOGY TESTING PERMIT USER FEES REGARDING PLANTS.

The Act of August 20, 1912 (commonly known as the Plant Quarantine Act) is amended by inserting after section 11 the following new section:

''SEC. 12. FEES FOR BIOTECHNOLOGY-RELATED SERVICES.

''(a) FEES REQUIRED.—The Secretary shall prescribe and collect to cover the costs of carrying out the provisions of this title that relate to the following:

''(1) The issuance of any biotechnology permit.

''(2) The acknowledgment of any biotechnology notification.

''(3) The review of any biotechnology petition.

''(4) The provision of any other biotechnology service, including the review of organisms and products created through biotechnology.

''(b) EXEMPTIONS.—The Secretary may exempt certain persons from paying fees prescribed under this section, including persons conducting research and development activities that receive State or Federal funds and have no commercial intent.

''(c) LIABILITY.—Any person for whom an activity is performed pursuant to this title for which a charge is authorized shall be liable for payment of fees as prescribed by the Secretary.

''(d) SECURITY.—The Secretary may require a person that is assessed a fee under subsection (a) to provide security to ensure that the Secretary receives the fees imposed under such subsection from the person.

''(e) SUSPENSION OF SERVICE.—The Secretary may suspend performance of services to persons who have failed to pay fees, late payment fees, late payment penalties, or accrued interest incurred under this section.

''(f) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(g) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (f) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

''(h) DEFINITION OF PERSON.—In this section, the term 'person' means an individual, corporation, partnership, trust, association, or any other public or private entity, except that the term does not include Federal entities, or any officer, employee, or agent of a Federal entity.''.

SEC. 133. FEES FOR LICENSE AND REGISTRATION SERVICES UNDER ANIMAL WELFARE ACT.

Section 23 of the Animal Welfare Act (7 U.S.C. 2153) is amended to read as follows:

''SEC. 23. FUNDS FOR ADMINISTRATION OF ACT.

''(a) IMPOSITION AND COLLECTION OF FEES.—Except as provided in subsection (b), the Secretary shall prescribe, adjust, and collect fees to cover the costs incurred by the Secretary for activities related to the following:

''(1) The review and maintenance of licenses and registrations issued under this Act.

''(2) The review of applications for a license or registration under this Act.

''(b) EXCEPTIONS.—The Secretary shall exempt Federal entities from any fee prescribed under subsection (a).

''(c) SECURITY.—The Secretary may require a person that is assessed a fee under this section to provide security to ensure that the Secretary receives fees authorized under this section from such person.

''(d) COLLECTION OF FEES.—Fees imposed under subsection (a), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(e) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (d) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the costs of activities for which a fee is imposed under subsection (a).

''(f) AUTHORIZATION OF APPROPRIATIONS.—Except for the costs of activities supported by fees prescribed under subsection (a), there are authorized to be appropriated such sums as may be necessary to carry out this Act.''.

PART IV—GRAIN INSPECTION, PACKERS, AND STOCKYARD ADMINISTRATION LICENSING FEE

SEC. 141. GRAIN STANDARDIZATION FEES.

(a) FEES FOR STANDARDIZATION ACTIVITIES.—Section 16(i) of the United States Grain Standards Act (7 U.S.C. 87e(i)) is amended—

(1) in paragraph (2)—

(A) by striking ''standardization'' and inserting ''compliance activities, methods development,''; and

(B) by adding at the end the following new sentence: ''Under such regulations as the Secretary may prescribe, fees for standardization activities shall, to the extent practicable, be collected from persons who benefit from such activities, including first purchasers, processors, and grain warehouseman.''; and

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

''(4) In paragraph (2):

''(A) The term 'first purchaser' means any person buying or otherwise acquiring from a producer grain that was produced by that producer.

''(B) The term 'producer' means any person engaged in the growing of grain in the United States who has an ownership interest and a risk of loss regarding the grain.''.

(b) CONFORMING AMENDMENTS.—The United States Grain Standards Act (7 U.S.C. 71 et seq.) is amended—

(1) in section 7D (7 U.S.C. 79d), by striking ''standardization'' and inserting ''methods development''; and

(2) in section 19 (7 U.S.C. 87h), by striking ''standardization'' and inserting ''methods development''.

SEC. 142. PACKERS AND STOCKYARD LICENSING FEE.

(a) IN GENERAL.—The Packers and Stockyards Act, 1921, is amended—

(1) by redesignating sections 414 and 415 (7 U.S.C. 228c and 229) as sections 416 and 417, respectively; and

(2) by inserting after section 413 (7 U.S.C. 228b–4) the following new sections:

''SEC. 414. LICENSES AND FEES.

''(a) LICENSE REQUIREMENT.—No person shall at any time be engaged in the business of a packer, live poultry dealer, stockyard owner, market agency, or dealer without a valid and effective license issued in accordance with this section and section 415.

''(b) APPLICATION FOR A LICENSE.—Any person desiring a license required by subsection (a) shall submit an application to the Secretary, consistent with such rules as the Secretary may prescribe.

''(c) LICENSE FEES.—

''(1) ESTABLISHMENT.—The Secretary shall establish a fee for the issuance of licenses required by subsection (a). Upon the filing of the application for the license, and annually thereafter so long as the license is in effect, the applicant shall pay the license fee.

''(2) RATE.—The amount of the fee shall be established at a rate sufficient so that the total amount collected in a fiscal year covers all costs incurred by the Department of Agriculture to administer this Act.

''(3) SECURITY.—The Secretary may require a person that is assessed a fee under this subsection to provide security to ensure that the Secretary receives the fees required from the person.

''(d) COLLECTION OF FEES.—Fees imposed under subsection (c), as well as late payment penalties and interest with respect to the fees, shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(e) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under subsection (d) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to carry out this Act.

''(f) VIOLATIONS.—

''(1) PENALTIES.—Any person who violates any provision of this section shall be liable for a penalty of not more than $1,000 for each such offense and not more than $250 for each day it continues, which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

''(2) SETTLEMENT.—The Secretary may permit a person to settle such person's liability in the matter by the payment of fees due for the period covered by such violation and an additional sum as a late payment penalty, not in excess of $250, to be fixed by the Secretary, upon a showing satisfactory to the Secretary, that such violation was not willful but was due to inadvertence.

''SEC. 415. TERMS OF LICENSE.

''(a) RIGHTS OF LICENSEE.—Whenever an applicant has paid the prescribed fee under section 414, the Secretary, except as provided elsewhere in this Act, shall issue to such applicant a license, which shall entitle the licensee to do business unless and until the license is terminated or suspended by the Secretary in accordance with the provisions of this Act.

''(b) AUTOMATIC TERMINATION OF LICENSE.—

''(1) FAILURE TO PAY RENEWAL FEE.—Except as provided in subparagraph (B), a license issued under subsection (a) shall automatically terminate on the anniversary date of the issuance of the license if the annual fee is unpaid by the anniversary date.

''(2) EXCEPTION.—A licensee may obtain a renewal of the license at any time within 30 days after the anniversary date of the license by paying an additional late payment fee as determined by the Secretary.

''(3) NOTIFICATION.—Notice of the necessity of paying the annual fee shall be mailed to the licensee at least 30 days before the anniversary date of the license.

''(c) DENIAL OF APPLICATION FOR A LICENSE.—The Secretary shall refuse to issue a license to an applicant if the Secretary finds that the applicant is a person who—

''(1) has a license currently under suspension;

''(2) fails to meet the requirements for licensing as set forth in the Act and regulations prescribed by the Secretary; or

''(3) is found, after opportunity for hearing, to be unfit to engage in the activity for which application has been made because the applicant has engaged in any practice of the character prohibited by this Act.''.

(b) CONFORMING AMENDMENTS.—

(1) PACKERS AND STOCKYARDS ACT.—Section 303 of the Packers and Stockyards Act, 1921 (7 U.S.C. 203), is amended by striking ''he has registered with the Secretary,'' and all that follows through the end of the section and inserting ''the person has a valid license as provided in sections 414 and 415.''.

(2) DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1944.—The eleventh paragraph under the heading ''MARKETING SERVICE'' in the Department of Agriculture Appropriation Act, 1944 (7 U.S.C. 204), is amended—

(A) by striking ''registrant'' the first time it appears and inserting ''market agency or dealer''; and

(B) striking ''such registrant'' and inserting ''the license of such market agency or dealer''.

PART V—FOREST SERVICE FEES

SEC. 151. TIMBER SALES PREPARATION USER FEE.

Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) is amended by adding at the end the following new subsection:

''(j) TIMBER SALE PREPARATION USER FEE.—

''(1) FEE REQUIRED.—The Secretary of Agriculture shall implement a pilot program to charge and collect fees, at the time of the timber contract award, to cover the direct costs to the Department of Agriculture of timber sale preparation and harvest administration, including timber design, layout, and marking.

''(2) CERTAIN COSTS AND SALES EXCLUDED.—Paragraph (1) shall not apply to timber sale preparation and harvest administration costs related to the following:

''(A) An environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(B) Stewardship activities, including activities under section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277; 16 U.S.C. 2104 note).

''(C) Timber sales when the Secretary determines that the fee would adversely affect the marketability of the timber sale, or the ability of a small business concern (as defined in the Small Business Act (15 U.S.C. 631 et seq.)) to bid competitively on the timber sale.

''(3) COLLECTION OF FEES.—Fees imposed under this section (c) shall be collected by the Secretary and deposited in a special fund in the Treasury of the United States.

''(4) AVAILABILITY AND USE OF FUNDS.—Amounts in the special fund established under paragraph (3) are available to the Secretary for obligation only to the extent and in the amount provided in advance in appropriation Acts. Amounts so appropriated shall remain available to the Secretary until expended to pay for the activities referred to in paragraph (1).

''(5) TERM.—The authority to collect fees under this subsection shall terminate on September 30, 2007.''.

SEC. 152. FEES FOR COMMERCIAL FILMING.

(a) DEFINITION OF COMMERCIAL FILMING.—In this section, the term ''commercial filming'' means the making of any motion picture, television production, soundtrack, still photography, or similar project for commercial purposes.

(b) COLLECTION AND USE OF FUNDS.—

(1) IN GENERAL.—Rental fees paid to the Secretary of Agriculture for special use authorizations issued under the eleventh paragraph under the heading ''SURVEYING THE PUBLIC LANDS'' in the Act of June 4, 1897 (16 U.S.C. 551), and issued under part 251, subpart B of title 36, Code of Federal Regulations, for commercial filming on National Forest System lands shall be deposited into a special account in the Treasury of the United States.

(2) AUTHORITY TO USE FUNDS.—Funds deposited in the Treasury in accordance with paragraph (1) shall be available for expenditure by the Secretary of Agriculture, without further appropriation and until expended, for the administration and management of special uses on National Forest System lands.

SEC. 153. TIMBER AND SPECIAL FOREST PRODUCTS.

Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) is amended by inserting after subsection (j), as added by section 151, the following new subsection:

''(k) FAIR MARKET VALUE FOR SPECIAL FOREST PRODUCTS.—

''(1) DEFINITION OF SPECIAL FOREST PRODUCT.—In this subsection, the term 'special forest product' means any vegetation or other life form, such as mushrooms and fungi, that grows on National Forest System lands, as provided in regulations issued under this subsection by the Secretary of Agriculture.

''(2) FEES REQUIRED.—The Secretary of Agriculture shall charge and collect fees in an amount determined to be appropriate by the Secretary in regulations based on not less than the fair market value for special forest products harvested or collected on National Forest System lands and the costs, as appropriate, to the Department of Agriculture associated with granting, modifying, or monitoring the authorization for harvest or collection of these products. The Secretary shall establish appraisal methods and bidding procedures to ensure that the amounts collected for special forest products are not less than fair market value.

''(3) WAIVER.—The Secretary may waive the application of paragraph (2) pursuant to

such regulations as the Secretary may prescribe, such as waivers for harvest and collection for personal use, for religious purposes, pursuant to treaty rights, or for other specified uses.

''(4) COLLECTION OF FEES.—Fees collected under this subsection shall be deposited into a special account in the Treasury of the United States.

''(5) AUTHORITY TO USE FUNDS.—Funds deposited in the special account in the Treasury in accordance with paragraph (4) in excess of the amount collected for special forest products during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture on and after October 1, 1999, without further appropriation and until expended, to pay for the costs of conducting inventories of special forest products, granting, modifying, or monitoring the authorization for harvest or collection of the special forest products, including the costs of any environmental or other analysis, monitoring and assessing the impacts of harvest levels and methods, and for restoration activities, including any necessary revegetation.

''(6) TREATMENT OF FEES.—Amounts collected under this subsection shall not be taken into account for the purposes of the following laws:

''(A) The sixth paragraph under the heading 'FOREST SERVICE' in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 500).

''(B) The fourteenth paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1913 (16 U.S.C. 501).

''(C) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

''(D) The Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.).

''(E) Section 6 of the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869–4).

''(F) Chapter 69 of title 31, United States Code.

''(G) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s).

''(H) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a).

''(I) Any other provision of law relating to revenue allocation.

''(7) SECURITY.—The Secretary may require a person that is assessed a fee under this subsection to provide security to ensure that the Secretary receives fees authorized under this subsection from such person.''.

SEC. 154. FOREST SERVICE VISITOR FACILITIES IMPROVEMENT DEMONSTRATION PROGRAM.

The Act of April 24, 1950 (commonly known as the Granger-Thye Act) is amended by inserting after section 7 (16 U.S.C. 580d) the following new section:

''SEC. 7A. FOREST SERVICE VISITOR FACILITIES IMPROVEMENT DEMONSTRATION PROGRAM.

''(a) DEFINITION OF CONCESSIONAIRE.—In this section, the term 'concessionaire' means an individual, corporation, partnership, public agency, or nonprofit group.

''(b) DEMONSTRATION PROGRAM REQUIRED.—The Secretary of Agriculture (in this section referred to as the 'Secretary') shall implement a public/private venture demonstration program to evaluate the feasibility of utilizing non-Federal funds to construct, rehabilitate, maintain, and operate federally owned visitor facilities (including resorts, campgrounds, and marinas) on National Forest System lands and to conduct the requisite environmental analysis associated with those activities. The demonstration program shall include not more than 15 projects.

''(c) AUTHORIZED PROJECTS.—In accordance with the applicable land and resource management plans, the Secretary shall authorize concessionaires to construct, maintain, and operate new federally owned visitor facilities and rehabilitate, maintain, and operate existing federally owned visitor facilities on National Forest System lands. Title to the authorized improvements attributable to the concessionaire's capital investment shall be vested in the United States. The Secretary shall provide for competition in the selection of any concessionaire under this section to ensure the highest quality visitor services consistent with the best financial return to the Government. Standard business practices will be used to determine minimum fees that reflect fair market value.

''(d) TERM OF AUTHORIZATION AND DEPRECIATION.—

''(1) TERM.—The term of each authorized project under the demonstration program shall be based on the Secretary's estimate of the time needed to allow the concessionaire to depreciate its capital investment, except that in no event shall the term of authorization exceed 35 years. Any term exceeding 20 years shall require Regional Forester approval.

''(2) PURCHASE OF VALUE.—Any authorization issued under this section shall provide for the purchase by the Secretary or a succeeding concessionaire of any value in the authorized improvements attributable to the original concessionaire's capital investment that is not fully depreciated—

''(A) upon termination of the authorization; or

''(B) upon revocation of the authorization for reasons in the public interest.

''(3) EXCEPTION.—The Secretary shall not be obligated to purchase any value in an authorized improvement if the authorization is revoked for any reason other than the public interest.

''(4) DETERMINATION OF VALUE.—The value of an authorized improvement shall be the amount reported to the Internal Revenue Service that reflects the depreciation of the concessionaire's investment in the authorized improvement. This amount shall reflect all cumulative depreciation taken by the concessionaire during the term of the authorization.

''(e) DISPOSAL OF EXISTING FACILITIES.—Notwithstanding any other provision of law, the Secretary is authorized to sell at fair market value existing federally owned visitor facilities on National Forest System lands to a concessionaire authorized under this section, if the Secretary determines sale of the facilities is in the best interest of the Federal Government and if the concessionaire agrees that any construction, renovation, or improvement of such facilities will be consistent with applicable land and resource management plans and Federal and State laws. The fair market value of the Federal improvements shall be determined by an appraisal conducted by an independent third party approved by the agency and paid for by the concessionaire.

''(f) CONCESSION FEES AND FACILITY SALES PROCEEDS.—

''(1) AMOUNT.—The Secretary shall charge and collect concession fees established by bid as a percentage of the concessionaire's gross revenue from authorized activities associated with the bid.

''(2) COLLECTION AND USE OF FUNDS.—Funds collected in accordance with this subsection shall be deposited as follows—

''(A) not less than 60 percent of the amounts collected, as determined by the Secretary, into a special account in the Treasury of the United States which shall be available for expenditure by the Secretary on the unit of the National Forest System in which the fees were collected; and

''(B) the balance of the amounts collected, not distributed in accordance with subparagraph (A), into a special account in the Treasury of the United States which shall be available for expenditure by the Secretary on an agencywide basis.

''(3) AUTHORITY TO USE FUNDS.—Funds deposited pursuant to paragraph (2) shall be available without further appropriation and until expended for the purpose of increased concession opportunities, enhanced visitor services, including infrastructure at nonfee recreation facilities, facilities maintenance, project and program monitoring, environmental analysis, and environmental restoration.

''(g) BONDING.—Five years before the termination of an authorization issued under this section, the Secretary shall require bonding from the concessionaire to ensure that federally owned facilities are in satisfactory condition for future use by the Federal Government or a successor concessionaire.

''(h) REPORT TO CONGRESS.—Within four years after the date of the enactment of this section, the Secretary shall submit a report to Congress evaluating the demonstration program and providing recommendations for permanent authority to undertake a public/private venture program.

''(i) EXPIRATION OF AUTHORITY.—All activities under this section shall expire not later than the end of fiscal year 2031, except that the authority to issue new authorizations under this section shall expire at the end of fiscal year 2001.

''(j) RELATION TO OTHER LAWS.—

''(1) TREATMENT OF AMOUNTS COLLECTED.—Amounts collected under this section shall not be taken into account for the purposes of the following laws:

''(A) The sixth paragraph under the heading 'FOREST SERVICE' in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 500).

''(B) The fourteenth paragraph under the heading 'FOREST SERVICE' in the Act of March 4, 1913 (16 U.S.C. 501).

''(C) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

''(D) The Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.).

''(E) Section 6 of the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869–4).

''(F) Chapter 69 of title 31, United States Code.

''(G) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s).

''(H) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a).

''(I) Any other provision of law relating to revenue allocation.

''(2) EXEMPTION.—Activities under this section shall qualify for exemption from the Service Contract Act of 1965 (41 U.S.C. 351–358) under the authority of section 4.133(b) of title 29, Code of Federal Regulations.''.

SEC. 155. FAIR MARKET VALUE FOR RECREATION CONCESSIONS.

(a) DEFINITION OF RECREATION CONCESSION.—In this section, the term ''recreation concession'' means the privilege of operating a business, other than a ski area, for the provision of recreation services, facilities, or activities on National Forest System lands and waters.

(b) FEE REQUIRED.—The Secretary of Agriculture shall charge and collect fees for recreation concessions based on the fair market value of the privileges authorized.

(c) WAIVER.—The Secretary of Agriculture may waive the application of subsection (b) pursuant to such regulations as the Secretary may prescribe.

(d) COLLECTION AND USE OF FUNDS.—

(1) IN GENERAL.—Fees collected under this section shall be deposited into a special account in the Treasury of the United States.

(2) AUTHORITY TO USE FUNDS.—Funds deposited in the Treasury in accordance with paragraph (1) in excess of the amount collected for recreation concessions during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture, without further appropriation and until expended, for the purpose of increased concession opportunities, enhanced visitor services, including infrastructure at nonfee recreation facilities, facilities maintenance, project and program monitoring, interpretive programs, environmental analysis, environmental restoration, and permit administration.

Subtitle B—Commerce

PART I—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NAVIGATION SERVICES FEES

SEC. 211. NAVIGATION SERVICES FEES.

(a) IN GENERAL.—Beginning in fiscal year 2000 and each year thereafter, the Secretary of Commerce shall establish and adjust by regulation user fees for any navigation services provided to commercial marine operators.

(b) PUBLICATION OF SCHEDULE.—The fees established under subsection (a) shall be implemented by publication of an initial fee schedule as an interim final rule in the Federal Register not later than 150 days after the date of enactment of this section. No fee shall be collected until 30 days after the date of such publication.

(c) SUBJECT TO APPROPRIATIONS ACTS.—Fees authorized under this section shall be available for obligation only to the extent and the amount provided in advance in appropriations Acts.

(d) AUTHORIZATION OF APPROPRIATIONS.—Not to exceed $14,000,000 of offsetting collections from such user fees that are collected in a fiscal year are authorized to be appropriated, to remain available until expended, for necessary expenses associated with navigation services provided to commercial marine operators. Any fees collected in excess of such amount during any fiscal year are authorized to be appropriated for the same purposes in the next succeeding fiscal year.

PART II—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FISHERIES MANAGEMENT FEES

SEC. 221. FISHERIES MANAGEMENT FEES.

(a) IN GENERAL.—Beginning in fiscal year 2000 and each fiscal year thereafter, the Secretary of Commerce shall establish and adjust by regulation user fees associated with the United States fishing industry.

(b) CONSULTATION; PUBLICATION OF SCHEDULE.—The fees established under subsection (a) shall be established after consultation with the Congress and representatives of the fishing industry. The fees shall be implemented by publication of an initial fee schedule as an interim final rule in the Federal Register not later than 150 days after the date of enactment of this section. No fees shall be collected until 30 days after the date of such publication.

(c) SUBJECT TO APPROPRIATIONS ACTS.—Fees authorized under this section shall be available for obligation only to the extent and the amount provided in advance in appropriations Acts.

(d) AUTHORIZATION OF APPROPRIATIONS.—Not to exceed $20,000,000 of offsetting collections from such user fees that are collected in a fiscal year are authorized to be appropriated, to remain available until expended, for management and enforcement costs associated with domestic fisheries. Any fees collected in excess of such amount during any fiscal year are authorized to be appropriated for the same purposes in the next succeeding fiscal year.

PART III—ANALOG TELEVISION SERVICE SIGNAL LEASE FEE

SEC. 231. ANALOG TELEVISION SERVICE SIGNAL LEASE FEE.

The Communications Act of 1934 is amended by inserting after section 9 (47 U.S.C. 159) the following new section:

"SEC. 9A. FEES FOR ANALOG TELEVISION LICENSES.

''(a) IN GENERAL.—Beginning in fiscal year 2000 and thereafter, the Commission may assess and collect lease fees for each fiscal year for the use of a license for analog television service by commercial television broadcasters based on rates established by the Commission. The fees shall be used for upgrading Federal, State, and local public safety wireless communications equipment and facilities. For fiscal year 2000, the aggregate amount of such fees shall be not less than $200,000,000.

''(b) TIMING.—Payment of all fees for a fiscal year is due to the Commission no later than September 30 of such fiscal year.

''(c) RATES.—The Commission shall develop rates that reasonably can be expected to result in collection of the aggregate fee amount provided for fiscal year 2000 pursuant to subsection (d) and shall establish and apportion the fee for commercial broadcasters based upon the population covered by a broadcaster's signal, as determined by the Grade B contour as defined in section 76.683(a) of the Commission's regulations (47 CFR 73.683(a)). The rates so established and apportioned for fiscal year 2000 shall remain in effect for subsequent fiscal years until all licenses for analog television service have been returned.

''(d) COLLECTION AND DEPOSIT.—Fees authorized by this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Any fees collected shall be deposited as offsetting receipts in a separate account in the Treasury, and are authorized to be appropriated to remain available until expended.

''(e) RETURN OF ANALOG TELEVISION LICENSE.—A licensee that returns its license for analog television service to the Commission pursuant to section 309 before the first day of the fiscal year for which the fee is due shall not be required to pay the fee for such fiscal year. Fees on licenses for analog television service returned or surrendered after the first day of the fiscal year for which the fee is due shall be prorated.

''(f) ADJUSTMENT.—The Commission may waive, reduce, or defer payment of a fee in any specific instance for good cause shown, where such action would promote the public interest.

''(7) PENALTY FOR LATE PAYMENT.—The Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of fees. Such penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner.''.

Subtitle C—Education and Labor

PART I—NATIONAL DIRECTORY OF NEW HIRES

SEC. 311. MATCHING AGAINST NDNH WITH RESPECT TO DEFAULTED LOANS AND OVERPAYMENTS OF GRANTS UNDER THE HIGHER EDUCATION ACT OF 1965.

(a) AMENDMENT TO HIGHER EDUCATION ACT OF 1965.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended by inserting after section 488A (20 U.S.C. 1095a) the following new section:

"SEC. 488B. DATA MATCHING WITH RESPECT TO DEFAULTED LOANS AND OVERPAYMENTS OF GRANTS UNDER THIS TITLE.

''(a) AUTHORITY TO MATCH DEBTOR INFORMATION WITH NATIONAL DIRECTORY OF NEW HIRES.—The Secretary shall furnish to the Secretary of Health and Human Services, on a quarterly basis or at such less frequent intervals as may be determined by the Secretary, information in the custody of the Secretary for comparison with information in the National Directory of New Hires established under section 453(i) of the Social Security Act, in order to obtain the information in such directory with respect to individuals who—

''(1) are borrowers of loans made under this title that are in default; or

''(2) owe an obligation to refund an overpayment of a grant awarded under this title.

''(b) REQUIREMENT TO SEEK MINIMUM INFORMATION NECESSARY.—The Secretary shall seek information from the National Directory of New Hires pursuant to this section only to the extent essential to improving collection of the debt described in subsection (a).

''(c) USE OF INFORMATION OBTAINED IN DATA MATCHES.—The Secretary may use information resulting from a data match pursuant to this section only—

''(1) for the purpose of collection of the debt described in subsection (a) owed by an individual whose annualized wage level (determined by taking into consideration information from the National Directory of New Hires) exceeds $16,000; and

''(2) after removal of personal identifiers, to conduct analyses of student loan defaults.

''(d) DISCLOSURE OF INFORMATION OBTAINED IN DATA MATCHES.—

''(1) DISCLOSURES PERMITTED.—The Secretary may disclose information resulting from a data match pursuant to this section only to—

''(A) a guaranty agency holding a loan made under part B on which the individual is obligated;

''(B) a contractor or agent of the guaranty agency described in subparagraph (A);

''(C) a contractor or agent of the Secretary; and

''(D) the Attorney General.

''(2) PURPOSE OF DISCLOSURE.—The Secretary may make a disclosure under paragraph (1) only for the purpose of collection of the debts owed on defaulted student loans, or overpayments of grants, made under this title.

''(3) RESTRICTION OF REDISCLOSURE.—An entity to which information is disclosed under paragraph (1) may use or disclose such information only as needed for the purpose of collecting on defaulted student loans, or overpayments of grants, made under this title.

''(4) PENALTIES FOR MISUSE.—The use or disclosure of such information by an officer or employee of the United States, a guaranty agency, or a contractor or agent in violation of this section shall be subject to the civil remedies and criminal penalties set forth in section 552a(i) of title 5, United States Code.

''(e) PAYMENT OF COSTS OF DATA MATCHES.—

''(1) REIMBURSEMENT OF HHS COSTS.—The Secretary shall reimburse the Secretary of Health and Human Services, in accordance with section 453(k)(3) of the Social Security Act, for the additional costs incurred by the Secretary of Health and Human Services in furnishing the information requested under this section.

''(2) FEES CHARGED TO GUARANTY AGENCIES.—The Secretary may impose fees on guaranty agencies for information disclosed in accordance with subsection (d), based on the reasonable costs to the Secretary of obtaining such information through data matches under this section. Amounts derived from such fees shall be available for payment to the Secretary of Health and Human Services pursuant to paragraph (1). Fees authorized under this paragraph shall be available

for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended.''.

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—

(1) MATCHING AND DISCLOSURE AUTHORITY.—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following new paragraph:

''(6) INFORMATION COMPARISONS AND DISCLOSURE FOR ENFORCEMENT OF OBLIGATIONS ON HIGHER EDUCATION ACT LOANS AND GRANTS.—

''(A) IN GENERAL.—The Secretary, in cooperation with the Secretary of Education, shall compare information in the National Directory of New Hires with information in the custody of the Secretary of Education, and disclose information in that Directory to the Secretary of Education, in accordance with section 488B of the Higher Education Act of 1965, for the purposes specified in such section.

''(B) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with subparagraph (A) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part. Support collection under section 466(b) shall be given priority over collection of any defaulted student loan or grant overpayment against the same income.''.

(2) PENALTY FOR MISUSE OF INFORMATION.—Section 402(a) of the Child Support Performance and Incentive Act of 1998 (112 Stat. 669) is amended in the matter added by paragraph (2) by inserting ''or any other person'' after ''officer or employee of the United States''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

PART II—RECALL OF FEDERAL RESERVES HELD BY GUARANTY AGENCIES

SEC. 321. RECALL OF RESERVES IN FISCAL YEARS 2000 THROUGH 2004.

(a) SECRETARY REQUIRED TO RECALL RESERVES.—Section 422 of the Higher Education Act of 1965 (20 U.S.C. 1072) is amended by adding at the end thereof the following new subsection:

''(j) RECALL OF RESERVES IN FISCAL YEARS 2000 THROUGH 2004.—

''(1) RECALL REQUIRED.—

''(A) AMOUNTS REQUIRED.—Notwithstanding any other provision of law, the Secretary shall, except as otherwise provided in this subsection and in addition to the recalls required under subsections (h) and (i), recall from the Federal Student Loan Reserve Funds held by guaranty agencies under section 422A not less than—

''(i) $788,000,000 in fiscal year 2000;

''(ii) $234,000,000 in fiscal year 2001;

''(iii) $262,000,000 in fiscal year 2002;

''(iv) $159,000,000 in fiscal year 2003; and

''(v) $65,000,000 in fiscal year 2004.

''(B) DEPOSIT.—Funds returned to the Secretary under this subsection shall be deposited in the Treasury.

''(2) APPORTIONMENTS OF RECALLS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), for each of the fiscal years 2000 through 2004, the Secretary shall require each guaranty agency to return reserve funds under subparagraph (A) based on its proportionate share, as determined by the Secretary, of all reserve funds held by guaranty agencies in the Federal Student Loan Reserve Funds as of September 30 of the fiscal year preceding each such fiscal year.

''(B) LIMITATIONS ON RECALLS.—(i) If a guaranty agency has not returned to the Secretary its share of reserve funds for a fiscal year in which reserves are to be recalled under paragraph (1)(A) by September 1 of that fiscal year and the total amount recalled for that fiscal year is less than the amount the Secretary is required to recall under that paragraph in that fiscal year, the Secretary shall require the return of the amount of the shortage from other Federal Student Loan Reserve Funds held by any or all guaranty agencies under section 422A under procedures established by the Secretary.

''(ii) The Secretary shall first attempt to obtain the amount of such shortage from each guaranty agency that failed to return the agency's required share to the Secretary in accordance with this subsection.

''(3) ADMINISTRATIVE AUTHORITY.—

''(A) IN GENERAL.—The Secretary may take such reasonable measures, and require such information, as may be necessary to ensure that guaranty agencies comply with the requirements of this subsection.

''(B) WITHHOLDING OF OTHER FUNDS.—If the Secretary determines that a guaranty agency has failed to transfer to the Secretary any portion of the agency's required share under this subsection, the agency may not receive any other funds under this part until the Secretary determines that the agency has so transferred the agency's required share.

''(C) WAIVER.—The Secretary may waive the requirements of subparagraph (B) if the Secretary determines that there are extenuating circumstances beyond the control of the guaranty agency that justify such waiver.

''(4) DEFINITION.—For purposes of this subsection, the term 'reserve funds' has the meaning given in subsection (h)(8)(B).''.

(b) CONFORMING AMENDMENTS.—Section 422A(f) of the Higher Education Act of 1965 (20 U.S.C. 1072a(f)) is amended—

(1) in the fourth sentence of paragraph (1), by striking ''subsections (h) and (i)'' and inserting ''subsections (h), (i), and (j)'';

(2) in the first sentence of paragraph (3)—

(A) by striking ''the fourth year'' and inserting ''the sixth year''; and

(B) by striking ''not later than 5 years'' and inserting ''not later than 7 years'';

(3) by striking paragraphs (6) and (8); and

(4) by redesignating paragraph (7) as paragraph (6).

(c) ADDITIONAL SAVINGS.—

(1) PAYMENTS FOR DEFAULT CLAIMS.—Section 428(c) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)) is amended—

(A) in the heading thereof, by striking ''REIMBURSING LOSSES.—'' and inserting ''PAYING LENDER DEFAULT CLAIMS.—'';

(B) in paragraph (1)(A)—

(i) in the first sentence thereof, by striking ''reimburse'' and inserting ''pay'';

(ii) by striking ''reimbursement'' each place it appears and inserting ''payment''; and

(iii) in the fifth sentence thereof, by striking ''within 45 days'' through the end of such sentence and inserting ''at such time as may be specified by the Secretary.'';

(C) in paragraph (1)(B)—

(i) in clause (i)—

(I) by striking ''reimbursement payments'' and inserting ''payments''; and

(II) by striking ''paid as reimbursement'' and inserting ''paid''; and

(ii) in clause (ii)—

(I) by striking ''reimbursement payments'' and inserting ''payments''; and

(II) by striking ''paid as reimbursement'' and inserting ''paid'';

(D) in paragraph (1)(D), by striking ''Reimbursements of losses made by the Secretary'' and inserting ''Payments made by the Secretary under this subsection'';

(E) in paragraph (1)(G), by striking ''reimbursement'';

(F) in paragraph (2)(G), by striking ''reimbursement'' each place it appears and inserting ''payment'';

(G) in paragraph (9)—

(i) in the heading thereof, by striking ''RESERVE LEVEL.—'' and inserting ''ADMINISTRATIVE AND FINANCIAL CONDITION.—'';

(ii) by striking subparagraph (A);

(iii) in subparagraph (C)—

(I) by striking clause (i);

(II) in clause (ii), by striking ''reimbursement payments'' and inserting ''default claim payments under paragraph (1)''; and

(III) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(iv) by redesignating subparagraphs (B) through (K) as subparagraphs (A) through (J), respectively; and

(H) by adding at the end thereof the following new paragraph:

''(10) Notwithstanding any provision of the Fair Debt Collection Practices Act, a nonprofit guaranty agency shall not be subject to the requirements of that Act to the extent that it is carrying out due diligence activities required by the Secretary.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 428C(a)(2) (20 U.S.C. 1078–3(a)(2)) is amended by striking ''reimbursements'' and inserting ''payments''.

(B) Section 428F(a) (20 U.S.C. 1078–6(a)) is amended—

(i) in paragraph (1)(B)(ii)(I), by striking ''reimburse'' and inserting ''pay''; and

(ii) in paragraph (2), by striking ''reimbursement'' and inserting ''payment''.

(C) Section 428I(e) (20 U.S.C. 1078–9(e)) is amended by striking ''reimbursements'' and inserting ''payments''.

(D) Section 432(c)(1)(A)(ii) (20 U.S.C. 1082(c)(1)(A)(ii) is amended by striking ''defaults reimbursed'' and inserting ''default claims paid''.

(E) Section 438(b)(2)(B) (20 U.S.C. 1087–1(b)(2)(B)) is amended—

(i) in clause (i), by striking ''reimbursements'' and inserting ''claim payments''; and

(ii) in clause (iv), by striking ''reimbursements'' and inserting ''claim payments''.

(F) Section 488A(a) (20 U.S.C. 1095a(a)) is amended, in the matter preceding paragraph (1) by striking ''reimbursement'' and inserting ''payment''.

(c) FLEXIBLE AGREEMENTS.—Section 428A(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1072a(a)(3)) is amended to read as follows:

''(3) ELIGIBILITY.—Beginning in fiscal year 1999, the Secretary may enter into a voluntary, flexible agreement with any guaranty agency that had one or more agreements with the Secretary under subsections (b) and (c) of section 428 as of the day before the date of enactment of the Higher Education Amendments of 1998.''.

PART III—EMPLOYER TAX CREDIT USER FEES

SEC. 331. WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT USER FEES.

(a) ESTABLISHMENT.—Subject to subsection (e), the Secretary of Labor is authorized to impose a fee on employers submitting applications for certification of individuals as members of target groups under section 51(d)(12) of the Internal Revenue Code of 1986 (26 U.S.C. 51(d)(12)) and categories of long-term family assistance recipients under section 51A(d)(1) of such Code (26 U.S.C. 51A(d)(1)), relating to the Work Opportunity Credit and the Welfare-to-Work Credit, respectively. The fees imposed under this section shall not be paid, directly or indirectly, by the individual who is the subject of the certification.

(b) AMOUNT OF FEE.—The amount of the fee imposed under this section shall be determined by the Secretary of Labor based on

the Secretary's estimate of the amounts needed to fully fund the costs of administering the requirements relating to the certification of individuals under sections 51 and 51A of the Internal Revenue Code of 1986 (26 U.S.C. 51 and 51A). The Secretary of Labor shall establish a fee for employers with fewer than 100 employees at an amount that is less than the fee established for employers with 100 or more employees.

(c) COLLECTION AND DEPOSIT.—The fees imposed under this section shall be collected by the Secretary of Labor through the designated local agency specified in section 51(d)(11) of the Internal Revenue Code of 1986 (26 U.S.C. 51(d)(11)) and deposited as offsetting receipts in the State Unemployment Insurance and Employment Service Operations account of the Treasury of the United States.

(d) USE OF FUNDS.—The funds deposited pursuant to subsection (c) shall be available to the Secretary of Labor to pay the costs of administering the requirements relating to the certification of individuals under sections 51 and 51A of the Internal Revenue Code of 1986 (26 U.S.C. 51 and 51A). The Secretary of Labor shall allocate the funds among the States based on the relative workload of the States in processing the certifications.

(e) APPROPRIATIONS ACTION REQUIRED.—The fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations acts. The fees are authorized to be appropriated to remain available until expended.

Subtitle D—Natural Resource, Energy, and Environment

PART I—NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES

SEC. 411. NUCLEAR REGULATORY COMMISSION USER FEES AND ANNUAL CHARGES.

Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 2214(a)(3)) is amended by striking ''September 30, 1998'' and inserting ''September 30, 2004''.

PART II—FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT FEES

SEC. 421. FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT FEES.

Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a) is amended by adding at the end thereof the following new subsection:

''(i) FEES.—

''(1) Subject to paragraph (4), the Administrator is authorized to assess fees from applicants for registrations and amendments to registrations under this section and experimental use permits under section 5 effective October 1, 1999.

''(2) Such fees shall be reasonably calculated to cover costs associated with the review of such applications, and shall be paid at the time of application, unless otherwise specified by the Administrator. If any fee is not paid by the time prescribed, the Administrator may, by order and without a hearing, deny the application. The Administrator may reduce or waive any fee that would otherwise be assessed—

''(A) in connection with an application for an active ingredient that is contained only in pesticides for which registration is sought solely for agricultural or nonagricultural minor uses; or

''(B) in such other instances as the Administrator determines to be in the public interest.

''(3) Fees collected under this subsection shall be deposited in a special fund for environmental services in the United States Treasury.

''(4) Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended, to carry out the Agency's activities under sections 3 and 5 for which the fees were collected.''.

SEC. 422. CONFORMING AMENDMENT.

Section 4(i) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136b(i)) is amended—

(1) by striking paragraph (6); and

(2) by renumbering paragraph (7) as paragraph (6).

PART III—TOXIC SUBSTANCES CONTROL ACT FEES

SEC. 431. TOXIC SUBSTANCES CONTROL ACT FEES.

Section 26(b) of the Toxic Substances Control Act (15 U.S.C. 2625(b)) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

''(b) FEES.—The Administrator is authorized, by rule, to collect a reasonable fee from any person required to submit data under section 4 or 5 to defray the cost of administering this Act. In setting a fee under this paragraph the Administrator shall take into account the ability to pay of the person required to submit the data and the cost to the Administrator of reviewing such data. Such rules may provide for sharing such a fee in any case in which the expenses of testing are shared under section 4 or 5.''.

(2) By adding at the end thereof the following 2 paragraphs:

''(3) Fees collected under this subsection shall be deposited in a special fund for environmental services in the United States Treasury.

''(4) Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended, to carry out the Agency's activities under sections 4 and 5 for which the fees were collected.''.

Subtitle E—Revenue

PART I—REINSTATE SUPERFUND TAXES

SEC. 511. EXTENSION OF HAZARDOUS SUBSTANCE SUPERFUND TAXES.

(a) EXTENSION OF TAXES.—

(1) ENVIRONMENTAL TAX.—Section 59A(e) of the Internal Revenue Code of 1986 is amended to read as follows:

''(e) APPLICATION OF TAX.—The tax imposed by this section shall apply to—

''(1) taxable years beginning after December 31, 1986, and before January 1, 1996, and

''(2) taxable years beginning after December 31, 1998, and before January 1, 2010.''

(2) EXCISE TAXES.—Section 4611(e) of such Code is amended to read as follows:

''(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply—

''(1) after December 31, 1986, and before January 1, 1996, and

''(2) after the date of the enactment of this paragraph and before October 1, 2009.''

(b) EFFECTIVE DATES.—

(1) INCOME TAX.—The amendment made by subsection (a)(1) shall apply to taxable years beginning after December 31, 1998.

(2) EXCISE TAX.—The amendment made by subsection (a)(2) shall take effect on the date of the enactment of this Act.

PART II—TOBACCO EXCISE TAXES

SEC. 521. INCREASE IN EXCISE TAXES ON TOBACCO PRODUCTS.

(a) IN GENERAL.—Section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on tobacco products), as amended by the Balanced Budget Act of 1997, is amended to read as follows:

''SEC. 5701. RATE OF TAX.

''(a) CIGARS.—On cigars, manufactured in or imported into the United States, there shall be imposed the following taxes:

''(1) SMALL CIGARS.—On cigars, weighing not more than 3 pounds per thousand, $4.406 per thousand.

''(2) LARGE CIGARS.—On cigars weighing more than 3 pounds per thousand, a tax equal to 49.99 percent of the price for which sold but not more than $98.75 per thousand.

Cigars not exempt from tax under this chapter which are removed but not intended for sale shall be taxed at the same rate as similar cigars removed for sale.

''(b) CIGARETTES.—On cigarettes, manufactured in or imported into the United States, there shall be imposed the following taxes:

''(1) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, $47.00 per thousand.

''(2) LARGE CIGARETTES.—On cigarettes, weighing more than 3 pounds per thousand, $98.70 per thousand.

Cigarettes described in paragraph (2), if more than 6½ inches in length, shall be taxable at the rate under paragraph (1) by treating each 2¾ inches (or fraction thereof) of the length of each as 1 cigarette.

''(c) CIGARETTE PAPERS.—On cigarette papers, manufactured in or imported into the United States, there shall be imposed a tax of 2.9 cents for each 50 papers or fractional part thereof; except that cigarette papers which measure more than 6½ inches in length shall be taxable at the rate prescribed by treating each 2¾ inches (or fraction thereof) of the length of each as 1 cigarette paper.

''(d) CIGARETTE TUBES.—On cigarette tubes, manufactured in or imported into the United States, there shall be imposed a tax of 5.9 cents for each 50 tubes or fractional part thereof; except that cigarette tubes which measure more than 6½ inches in length shall be taxable at the rate prescribed by treating each 2¾ inches (or fraction thereof) of the length of each as 1 cigarette tube.

''(e) SMOKELESS TOBACCO.—

''(1) SNUFF.—On snuff, manufactured in or imported into the United States, there shall be imposed a tax of $1.41 per pound (and a proportionate tax at the like rate on all fractional parts of a pound).

''(2) CHEWING TOBACCO.—On chewing tobacco, manufactured in or imported into the United States, there shall be imposed a tax of 47 cents (and a proportionate tax at the like rate on all fractional parts of a pound).

''(f) PIPE TOBACCO.—On pipe tobacco, manufactured in or imported into the United States, there shall be imposed a tax of $2.64 per pound (and a proportionate tax at the like rate on all fractional parts of a pound).

''(g) ROLL-YOUR-OWN TOBACCO.—On roll-your-own tobacco, manufactured in or imported into the United States, there shall be imposed a tax $2.64 per pound (and a proportionate tax at the like rate on all fractional parts of a pound).

''(h) IMPORTED TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES.—The taxes imposed by this section on tobacco products and cigarette papers and tubes imported into the United States shall be in addition to any import duties imposed on such articles, unless such import duties are imposed in lieu of internal revenue tax.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

(c) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products and cigarette papers and tubes manufactured in or imported into the United States

which are removed before October 1, 1999, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) AUTHORITY TO EXEMPT CIGARETTES HELD IN VENDING MACHINES.—To the extent provided in regulations prescribed by the Secretary, no tax shall be imposed by paragraph (1) on cigarettes held for retail sale on October, 1, 1999, by any person in any vending machine. If the Secretary provides such a benefit with respect to any person, the Secretary may reduce the $500 amount in paragraph (3) with respect to such person.

(3) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) for which such person is liable.

(4) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigarettes on October, 1, 1999, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 1, 2000.

(5) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) and any other provision of law, any article which is located in a foreign trade zone on October 1, 1999, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of a customs officer pursuant to the 2d proviso of such section 3(a).

(6) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Terms used in this subsection which are also used in section 5702 of the Internal Revenue Code of 1986 shall have the respective meanings such terms have in such section, as amended by this Act.

(B) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(7) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(8) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

SEC. 522. MODIFICATION OF DEPOSIT REQUIREMENT.

(a) IN GENERAL.—Paragraph (1) of section 6302(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This paragraph shall not apply to 1999 with respect to taxes imposed by chapters 51 and 52.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

PART III—CUSTOMS ACCESS FEE

SEC. 531. CUSTOMS ACCESS FEE.

(a) CUSTOMS ACCESS FEE.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended as follows:

(1) Subsection (a) is amended by adding at the end the following new paragraph:

''(11)(A) For the use of any automated system of the Customs Service for processing commercial operations, the Secretary of the Treasury shall assess a fee based on the volume of usage of the system.

''(B) The Secretary shall publish in the Federal Register a notice establishing the fee under this paragraph to ensure collection in each fiscal year of the amount appropriated for that fiscal year for the cost of modernizing automated commercial operations of the Customs Service and of deploying the International Trade Data System.''.

(2) Subsection (b) is amended by adding at the end the following new paragraph:

''(12) No fee may be charged to a Federal agency under subsection (a)(11).''.

(3) Subsection (d) is amended by adding at the end the following new paragraph:

''(5) The Customs Service shall issue bills on a monthly basis for the fee charged under subsection (a)(11).''.

(4) Subsection (f)(1) is amended by adding at the end the following:

''The fees authorized under subsection (a)(11) shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts for the costs of modernizing the automated commercial operations of the Customs Service and of deploying the International Trade Data System. The fees authorized under subsection (a)(11) shall be adjusted accordingly and are authorized to remain available until expended.''.

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1999.

PART IV—CUSTOMS AIR AND SEA PASSENGER PROCESSING FEE AMENDMENTS

SEC. 541. CUSTOMS PASSENGER AND CARGO FEE.

Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.58c) is amended as follows:

(1) Subsection (a)(5) is amended to read as follows:

''(5)(A) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A)(i), $1.75.

''(B) Subject to subsection (f)(5), for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States, $6.40, except that—

''(i) the exemptions under clauses (i) and (iv) of subsection (b)(1)(A) shall not apply; and

''(ii) the exemption under clause (iii) of subsection (b)(1)(A) shall not apply, except to the arrival of a ferry which began operating on or before January 1, 1999.''.

(2) Subsection (b)(1) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''(a)(5)(B)'' and inserting ''(a)(5)''; and

(B) by striking subparagraph (C).

(3) Subsection (f) is amended—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively;

(ii) by inserting after subparagraph (A) the following:

''(B) Notwithstanding subparagraph (A) and subject to paragraph (5), the Secretary of the Treasury is authorized to reimburse directly from the fees collected under paragraph (5)(B) of subsection (a), the Customs 'Salaries and Expenses' appropriation for the costs incurred by the Secretary for inspectional services, to the following extent:

''(i) Each fee ($6.40) collected pursuant to paragraph (5)(B) of subsection (a) for services in connection with the arrival of each passenger exempt, before the enactment of the Discretionary Spending Offsets Act for Fiscal Year 2000, from paying a fee under clause (i), (iii), or (iv) of subsection (b)(1)(A), except for the arrival of any passenger on a ferry which began operating on or before January 1, 1999.

''(ii) $1.40 of each fee collected pursuant to paragraph (5)(B) of subsection (a) for services in connection with the arrival of all other passengers.''; and

(iii) by striking the last sentence of subparagraph (A); and

(B) by amending paragraph (5) to read as follows:

''(5) Of the fees charged under paragraph (5)(B) of subsection (a), the amount specified under paragraph (3)(B) of this subsection for reimbursement shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees shall apply to documents or tickets issued on or after the 30th day following the enactment of the applicable appropriations Act. Such fees are authorized to remain available until expended.''.

PART V—HARBOR SERVICES USER FEE

SEC. 551. HARBOR SERVICES FEE.

(a) IN GENERAL.—The Secretary of the Army, acting through the Chief of Engineers, shall impose a fee on the owners or operators of commercial vessels for services provided for the use of ports.

(b) AMOUNT OF FEE.—

(1) INDIVIDUAL FEES.—The amount of the fee imposed under subsection (a) shall be based on vessel category and vessel capacity unit in accordance with the following:

(A) Bulkers, $0.12 per vessel capacity unit.

(B) Tankers, $0.28 per vessel capacity unit.

(C) General cargo vessels, $2.74 per vessel capacity unit.

(D) Cruise vessels, $0.12 per vessel capacity unit.

(2) TOTAL FEES.—The aggregate amount of fees imposed under subsection (a) in any fiscal year shall be sufficient to pay the projected total expenditures of the Department of the Army, subject to appropriations, for harbor development, operation, and maintenance for a fiscal year. If amounts appropriated in any fiscal year are less than the amount collected in fees for the prior fiscal year, then the rate of the fee for each vessel category shall be reduced in the year of the appropriation so as to result in collections not exceeding the total amount appropriated from the Harbor Services Fund for that fiscal year.

(c) IMPOSITION OF FEES.—Fees imposed under subsection (a) shall be imposed on a voyage basis for commercial vessels and shall be payable by the operator of a commercial vessel upon the first port use by a vessel entering a United States port from a foreign port or at the originating port for domestic voyages.

(d) AVAILABILITY OF FEES.—Fees imposed under subsection (a) in any fiscal year shall be available for obligation in the following fiscal year only to the extent and in the amount provided in advance in the appropriations Act for such fiscal year. Such fees are authorized to be appropriated to remain available until expended.

(e) EXEMPTIONS.—No fee shall be imposed under subsection (a) for port use—

(1) by the United States or any agency or instrumentality of the United States;

(2) in connection with intraport movements;

(3) in connection with transporting commercial cargo from the United States mainland to Alaska, Hawaii, or any possession of the United States;

(4) in connection with transporting commercial cargo from Alaska, Hawaii, or any possession of the United States to the United States mainland, Alaska, Hawaii, or such possession for ultimate use or consumption in the United States mainland, Alaska, Hawaii, or such a possession;

(5) in connection with transporting commercial cargo within Alaska, Hawaii, or a possession of the United States; or

(6) in connection with transporting passengers on vessels, documented under the laws of the United States, operating solely within the States of Alaska or Hawaii and adjacent international waters.

(f) REGULATIONS OF THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall be responsible for prescribing regulations—

(1) providing for the manner and method of payment and collection of the fees imposed under this section;

(2) providing for the posting of bonds to secure payment of such fees; and

(3) exempting any transaction or class of transactions from such fees where the collection of such fees is not administratively practical.

(g) REGULATIONS OF THE SECRETARY OF THE ARMY.—The Secretary of the Army shall be responsible for prescribing regulations—

(1) providing for the remittance or mitigation of penalties and the settlement or compromise of claims with respect to fees imposed under this section;

(2) providing for a period review of amounts collected under this section to ensure that the fees charged fairly approximate the cost of services provided to commercial vessels for port use;

(3) providing for the prospective adjustment of the rate of the fees imposed under this section for any one or more of the bulker, tanker, or cruise vessel categories by up to $0.05, or, in the case of the general cargo vessel category, by up to $0.25, as necessary to fairly approximate the cost of services provided to commercial vessels in each vessel category; and

(4) such other regulations as may be necessary to carry out the purposes of this part.

SEC. 552. HARBOR SERVICES FUND.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a Harbor Services Fund (hereinafter in this section referred to as ''the Fund'') into which shall be deposited as offsetting receipts all fees collected under section 551 and to which shall be transferred balances in the Harbor Maintenance Trust Fund established under section 9505 of the Internal Revenue Code of 1986 (26 U.S.C. 9505).

(b) PURPOSES.—

(1) IN GENERAL.— Subject to subsection (c), amounts in the Fund may be made available for each fiscal year to pay—

(A) 100 percent of the eligible harbor development costs;

(B) 100 percent of the eligible operations and maintenance costs assigned to commercial navigation of all ports within the United States; and

(C) 100 percent of the eligible costs of maintaining the Federal dredging capability for the Nation.

(2) ADDITIONAL PURPOSES.—In addition to the purposes set forth in paragraph (1) of this subsection, an amount of up to $100,000,000 per fiscal year is authorized to be appropriated from the Fund for dredging of berthing areas and construction and maintenance of bulkheads associated with a federally authorized project and for all or a portion of the non-Federal share of project costs of an eligible non-Federal interest participating in the construction, operating, or maintenance of a federally authorized project.

(c) EXPENDITURES FROM HARBOR SERVICES FUND.—

(1) IN GENERAL.— Except as provided in paragraph (2), amounts in the Fund shall be available, as provided in advance in appropriation Acts, to carry out subsection (b) and for the payment of expenses incurred in administering the fee imposed by section 551. Such amounts are authorized to be appropriated to remain available until expended.

(2) ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—From the balances transferred to the Harbor Services Fund pursuant to subsection (a), such sums as may be necessary are hereby reserved to implement legislation to be enacted to establish the Saint Lawrence Seaway Development Corporation as a Performance Based Organization.

SEC. 553. CONFORMING AMENDMENTS.

(a) WATER RESOURCES DEVELOPMENT ACT OF 1986.—Upon enactment of an appropriation Act for fiscal year 2000 authorizing the collection of fees pursuant to section 551(d), section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238) shall no longer have effect.

(b) INTERNAL REVENUE CODE OF 1986.—Upon enactment of an appropriation Act for fiscal year 2000 authorizing the collection of fees pursuant to section 551(d), sections 4461 and 4462 of the Internal Revenue Code of 1986 (26 U.S.C. 4461, 4462) shall no longer have effect.

SEC. 554. DEFINITIONS.

In this part:

(1) The term ''bulker'' means a waterborne vessel designed to transport dry bulk cargo, including self-propelled vessels and nonself-propelled vessels.

(2) The term ''commercial cargo'' means any cargo transported on a commercial vessel, except that the term does not include bunker fuel, ship's stores, sea stores, or equipment necessary to the operation of a vessel, or fish or other aquatic animal life caught and not previously landed on shore, and for purposes of paragraphs (3), (4), and (5) of section 551(d), such term shall not include crude oil with respect to Alaska.

(3) The term ''commercial vessel'' means any vessel in excess of 3,000 gross registered tons used in transporting cargo or passengers by water for compensation or hire, or in transporting cargo by water in the business of the owner, lessee, or operator of the vessel, exceppt that such term shall not include any ferry engaged primarily in the ferrying of passengers (including their vehicles) between points within the United States, or between the United States and contiguous countries.

(4) The term ''eligible harbor development costs'' means the Federal share of the costs associated with construction of the general navigation features at a harbor or inland harbor within the United States.

(5) The term ''eligible non-Federal interest'' means a non-Federal interest for a federally authorized navigation project at a port where the average amount of the harbor service fee collected over 3 consecutive fiscal years exceeds the average Federal expenditures from the Harbor Services Fund at that port during the same consecutive fiscal years by $10,000,000.

(6) The term ''ferry'' means any vessel which arrives in United States on a regular schedule during its operating season at intervals of at least once each business day.

(7) The term ''general cargo vessel'' means a waterborne vessel designed to transport general cargo.

(12) The term ''cruise vessel'' means a waterborne vessel designed to transport fare paying, berthed passengers.

(8) The term ''port'' means any channel or harbor (or component thereof) in the United States which is not an inland waterway and which is open to public navigation, except that such term shall not include any channel or harbor with respect to which no Federal funds have been used since 1989 for construction, operation, or maintenance, or which was deauthorized by Federal law before 1997 or to any channel or harbor where commercial vessels cannot loan or unload cargo or passengers.

(9) The term ''port use'' means the use of a channel by a commercial vessel for entering and exiting a port for commercial purposes.

(10) The term ''tanker'' means a waterborne vessel designed to transport liquid bulk cargo, including self-propelled vessels and nonself-propelled vessels.

(11) The term ''United States mainland'' means the contiguous 48 States.

(12) The term 'vessel capacity unit'' means the unit measure of vessel capacity represented by net tonnage, or, in the case of containerships or cruise vessels, gross tonnage.

SEC. 555. EFFECTIVE DATE.

The fees imposed under section 551(a) shall take effect on October 1, 1999.

Subtitle F—Human Services

PART I—TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AMENDMENTS

SEC. 611. FY 2000 STATE TANF SUPPLEMENTAL GRANT LIMITED TO AMOUNT OF GRANT FOR FY 1999.

(a) IN GENERAL.—Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii)—

(i) by striking ''each of fiscal years 1999, 2000, 2001'' and inserting ''fiscal year 1999''; and

(ii) by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(iii) for fiscal year 2000, a grant in an amount equal to the amount of the grant to the State under clause (ii) for fiscal year 1999; and

''(iv) for fiscal year 2001, a grant in the amount that would be determined pursuant to clause (ii) if the grant for fiscal year 2000 had been determined pursuant to former clause (ii) (as in effect during fiscal year 1999).''; and

(2) in subparagraph (B), by striking ''subparagraph (A)(ii)'' and inserting ''clause (ii), (iii), or (iv) of subparagraph (A)''.

PART II—TEMPORARY ASSISTANCE FOR NEEDY FAMILIES CONTINGENCY FUND

SEC. 621. DEPOSITS INTO FUND.

Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by striking ''in a total amount not to exceed $2,000,000,000''.

SEC. 622. STATE ELIGIBILITY FOR GRANTS; ELIMINATION OF EXTRA MONTH OF ELIGIBILITY.

Section 403(b)94) of the Social Security Act (42 U.S.C. 603(b)(4) is amended by striking ''in the 2-month period that begins with any month for which'' and inserting ''in which''.

SEC. 623. ANNUAL RECONCILIATION.

(a) REVISION OF REMITTANCE ADJUSTMENT FORMULA FACTOR BASED ON NUMBER OF MONTHS STATE WAS A NEEDY STATE.—Section 403(b)(6)(A)(ii)(III) of the Social Security

Act (42 U.S.C. 603(b)(6)(A)(ii)(III)) is amended by striking ''1/12 times the number of months'' and inserting ''if the State was a needy State for less than 6 months in the fiscal year, 1/6 times the number of months''.

(b) REPEAL OF ADJUSTMENT OF STATE REMITTANCES FOR FISCAL YEARS 2000 AND 2001 ENACTED IN ADOPTION AND SAFE FAMILIES ACT OF 1997.—Section 403(b)(6)(C)(ii) of such Act (42 U.S.C. 603(b)(6)(C)(ii)) is amended—

(1) in subclause (I), by adding ''and'' at the end;

(2) in subclause (II), by striking the semicolon and inserting a period; and

(3) by striking subclauses (III) and (IV).

(c) STATE WITH SUBSTANTIAL UNOBLIGATED GRANTS REQUIRED TO RETURN ALL CONTINGENCY FUND GRANTS.—Section 403(b)(6) of such Act (42 U.S.C. 603(b)(6)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by inserting ''the amount specified in subparagraph (D), if applicable, and otherwise'' after ''is not a needy State''; and

(2) by adding at the end the following:

''(D) FULL REPAYMENT REQUIRED IF STATE HAS SUBSTANTIAL FUNDS UNOBLIGATED.—A State shall remit to the Secretary, as provided in subparagraph (A), the entire payment made under this subsection for a fiscal year if the State fails to obligate, on or before the last day of the fiscal year—

''(i) 90 percent of all grants under subsection (a)(1) to which the State is entitled for the fiscal year; and

''(ii) all grants received under subsection (a) for prior fiscal years.''.

SEC. 624. EFFECTIVE DATE.

The amendments made by this part shall be effective with respect to fiscal year 2000 and succeeding fiscal years.

Subtitle G—Health Care

PART I—MEDICARE SAVERS

SEC. 711. REFERENCES IN PART.

Except as otherwise provided in this part, references to a section or other provision of law are references to the Social Security Act, and amendments made by this part to a section or other provision of law are amendments to such section or other provision of that Act.

SEC. 712. REDUCTION OF CLINICAL DIAGNOSTIC LABORATORY TEST CAP FROM 74 PERCENT TO 72 PERCENT.

Section 1833(h)(4)(B) (42 U.S.C. 13951(h)(4)(B)) is amended—

(1) by striking ''and'' at the end of clause (vii);

(2) in clause (viii)—

(A) by inserting ''and before January 1, 2000,'' after ''December 31, 1997,''; and

(B) by striking the period and inserting '', and''; and

(3) by adding at the end the following new clause:

''(ix) after December 31, 1999, is equal to 72 percent of such median.''.

SEC. 713. ESTABLISHMENT OF NATIONAL LIMIT ON PAYMENTS FOR PROSTHETICS AND ORTHOTICS.

Section 1834(h) (42 U.S.C. 1395m(h)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)(ii), by inserting ''or (3), as applicable,'' after ''paragraph (2)''; and

(B) in subparagraph (E)—

(i) in the heading, by inserting before the period ''FOR ITEMS FURNISHED BEFORE 2000''; and

(ii) by striking ''Payment for'' and inserting ''For items furnished before 2000, payment for'';

(2) in paragraph (2)—

(A) in the heading, by inserting before the period ''FOR ITEMS FURNISHED BEFORE 2000''; and

(B) in the matter preceding subparagraph (A), by striking ''For purposes of'' and inserting ''For items furnished before 2000, for purposes of'';

(C) in subparagraph (B)(ii), by striking ''for each subsequent year'' and inserting ''for each of 1993 through 1999'';

(D) in subparagraph (C)—

(i) in the heading, by inserting before the period ''FOR ITEMS FURNISHED BEFORE 2000''; and

(ii) in the matter preceding clause (i), by striking ''For purposes of'' and inserting ''For items furnished before 2000, for purposes of''; and

(iii) in clause (iv), by striking ''1994 or a subsequent year'' and inserting ''each of 1994 through 1999''; and

(E) in subparagraph (D)(ii), by striking ''in a subsequent year'' and inserting ''in each of 1993 through 1999'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following new paragraph:

''(3) PURCHASE PRICE RECOGNIZED FOR 2000 AND SUBSEQUENT YEARS.—For 2000 and each subsequent year, for purposes of paragraph (1), the amount recognized under this paragraph as the purchase price for prosthetic devices, orthotics, and prosthetics is the national limited payment amount for purchase of the item for that year determined in accordance with subparagraphs (B) and (C) of section 1834(a)(2).''; and

(5) in paragraph (5)(A), as so redesignated—

(A) by adding ''and'' at the end of clause (iv);

(B) by amending clause (v) to read as follows:

''(v) for 1998 and 1999, 1 percent.''; and

(C) by striking clause (vi).

SEC. 714. REDUCTION IN PAYMENT FOR BAD DEBTS.

(a) REDUCTION IN PAYMENT FOR HOSPITAL BAD DEBTS.—Section 1861(v)(1)(T)(iii) (42 U.S.C. 1395x(v)(1)(T)(iii)) is amended by striking ''45 percent'' and inserting ''55 percent''.

(b) EXTENSION OF BAD DEBT PAYMENT LIMITATION TO OTHER RELEVANT FACILITIES AND PROVIDERS OF SERVICES.—Section 1861(v)(1)(T) (42 U.S.C. 1395x(v)(1)(T)), as amended by subsection (a), is further amended—

(1) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively;

(2) by inserting ''(i)'' after ''(T)''; and

(3) by adding at the end the following new clause:

''(ii) In determining such reasonable or allowable costs for all facilities or other providers of services entitled to claim bad debt reimbursement, the amount of bad debts treated as allowable costs which are attributable to the deductibles and coinsurance amounts under this title shall be reduced for cost reporting periods beginning on or after October 1, 1999, by 55 percent of such amount otherwise allowable.''.

(c) REPEAL OF MORATORIUM ON BAD DEBT POLICY.—Section 4008(c) of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1395f note) is repealed.

SEC. 715. PPS HOSPITAL PAYMENT UPDATE FOR FISCAL YEAR 2000.

Section 1886(b)(3)(B)(i)(XV) (42 U.S.C. 1395ww(b)(3)(B)(i)(XV)) is amended by striking ''the market basket percentage increase minus 1.8 percentage points for hospitals in all areas'' and inserting ''0 percent''.

SEC. 716. NO MARKUP FOR COVERED DRUGS; ELIMINATION OF OVERPAYMENTS FOR EPOGEN.

(a) NO MARKUP FOR COVERED DRUGS.—Section 1842(o)(1) (42 U.S.C. 1395u(o)(1)) is amended by striking ''is equal to 95 percent of the average wholesale price.'' and inserting ''is equal to—

''(A) for 1998 and 1999, 95 percent of the average wholesale price, and

''(B) for 2000 and each subsequent year, 83 percent of the average wholesale price.''.

(b) ELIMINATION OF OVERPAYMENTS FOR EPOGEN.—Section 1881(b)(11)(B)(ii) (42 U.S.C. 1395rr(b)(11)(B)(ii)) is amended—

(1) in subclause (I)—

(A) by striking ''provided during 1994'' and inserting ''provided before 2000''; and

(B) by striking ''and'' at the end;

(2) by redesignating subclause (II) as subclause (III); and

(3) by inserting after subclause (I) the following new subclause:

''(II) for erythropoietin provided during 2000, in an amount equal to $9 per thousand units (rounded to the nearest 100 units), and''.

SEC. 717. PARTIAL HOSPITALIZATION SERVICES.

(a) SERVICES NOT TO BE FURNISHED IN RESIDENTIAL SETTINGS.—Section 1861(ff)(3)(A) (42 U.S.C. 1395x(ff)(3)(A)) is amended by inserting ''other than in an individual's home or in an inpatient or residential setting'' before the period.

(b) ADDITIONAL REQUIREMENTS FOR COMMUNITY MENTAL HEALTH CENTERS.—Section 1861(ff)(3)(B) (42 U.S.C. 1395x(ff)(3)(B)) is amended by striking ''entity—'' and all that follows and inserting the following: ''entity that—

''(i) provides the services specified in section 1913(c)(1) of the Public Health Service Act;

''(ii) meets applicable certification or licensing requirements for community mental health centers in the State in which it is located; and

''(iii) meets such additional standards or requirements as the Secretary may specify in the interest of the health and safety of individuals furnished services, or for the effective or efficient furnishing of services.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) apply to services furnished after the date that is 60 days after the date of enactment of this part.

SEC. 718. INFORMATION REQUIREMENTS.

(a) INFORMATION FROM GROUP HEALTH PLANS.—Section 1862(b) (42 U.S.C. 1395y(b)) is amended by adding at the end the following new paragraph:

''(7) INFORMATION FROM GROUP HEALTH PLANS.—

''(A) PROVISION OF INFORMATION BY GROUP HEALTH PLANS.—The administrator of a group health plan subject to the requirements of paragraph (1) shall provide to the Secretary any or all of the information elements listed in subparagraph (C), and in such manner and at such times (but not more frequently than four times per year), as the Secretary may specify, with respect to each individual covered under the plan and entitled to benefits under this title.

''(B) PROVISION OF INFORMATION BY DEPLOYERS WIND EMPLOYEE ORGANIZATIONS.—An employer (or employee organization) that maintains or participates in a group health plan subject to the requirements of paragraph (1) shall provide to the administrator of the plan any or all of the information elements listed in subparagraph (C), and in such manner and at such times (but not more frequently than four times per year), as the Secretary may specify, with respect to each individual covered under the plan and entitled to benefits under this title.

''(C) INFORMATION ELEMENTS TO BE PROVIDED.—The information elements to be provided under subparagraph (A) or (B) are the following:

''(i) ELEMENTS CONCERNING THE INDIVIDUAL.—

''(I) The individual's name.

''(II) The individual's date of birth.

''(III) The individual's sex.

''(IV) The individual's social security number.

''(V) The number assigned by the Secretary to the individual for claims under this title.

''(VI) The family relationship of the individual to the person who has or had current or former employment status with the employer.

''(ii) ELEMENTS CONCERNING THE FAMILY MEMBER WITH CURRENT OR FORMER EMPLOYMENT STATUS.—

''(I) The name of the person in the individual's family who has current or former employment status with the employer.

''(II) That person's social security number.

''(III) The number or other identifier assigned by the plan to that person.

''(IV) The periods of coverage for that person under the plan.

''(V) The employment status of that person (current or former) during those periods of coverage.

''(VI) The classes of that person's family members covered under the plan.

''(iii) PLAN ELEMENTS.—

''(I) The nature of the items and services covered under the plan.

''(II) The name and address to which claims under the plan are to be sent.

''(III) The name, address, and tax identification number of the plan sponsor.

''(iv) ELEMENTS CONCERNING THE EMPLOYER.—

''(I) The employer's name.

''(II) The employer's address.

''(III) The employer identification number of the employer.

''(IV) The employer tax identification number of the employer (if different from the number under subclause (III)).

''(D) USE OF IDENTIFIERS.—The administrator of a group health plan shall utilize an identifier for the plan (that the Secretary may furnish) in providing information under subparagraph (A) and in other transactions, as may be specified by the Secretary, related to the provisions of this subsection.

''(E) PENALTY FOR NONCOMPLIANCE.—Any entity that knowingly and willfully fails to comply with a requirement imposed by the previous subparagraphs shall be subject to a civil money penalty not to exceed $1,000 for each incident of such failure. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under the previous sentence in the same manner as those provisions apply to a penalty or proceeding under section 1128A(a).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) is effective 180 days after the date of enactment of this part.

SEC. 719. CENTERS OF EXCELLENCE.

(a) IN GENERAL.—Title XVIII (42 U.S.C. 1395 et seq.) is amended by inserting after section 1888 the following new section:

''CENTERS OF EXCELLENCE

''SEC. 1889. (a) IN GENERAL.—The Secretary shall use a competitive process to contract with specific hospitals or other entities for furnishing services related to surgical procedures, and for furnished services (unrelated to surgical procedures) to hospital inpatients that the Secretary determines to be appropriate. Such services may include any services covered under this title that the Secretary determines to be appropriate, including post-hospital services.

''(b) QUALITY STANDARDS.—Only entities that meet quality standards established by the Secretary shall be eligible to contract under this section. Entities shall implement a quality improvement plan approved by the Secretary.

''(c) PAYMENT.—Payment under this section shall be made on the basis of negotiated all-inclusive rates. The amount of payment made by the Secretary to an entity under this title for services covered under a contract shall be less than the aggregate amount of the payments that the Secretary would have otherwise made for the services.

''(d) CONTRACT PERIOD.—A contract period shall be 3 years (subject to renewal), as long as the entity continues to meet quality and other contractual standards.

''(e) INCENTIVES FOR USE OF CENTERS.—The Secretary may permit entities under a contract under this section to furnish additional services or waive beneficiary cost-sharing, subject to the approval of the Secretary.

''(f) LIMIT ON NUMBER OF CENTERS.—The Secretary shall limit the number of centers in a geographic area to the number needed to meet projected demand for contracted services.''.

(b) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) applies to services furnished on or after October 1, 2000.

(2) Not later than October 1, 2000, the Secretary shall enter into contracts under the amendment made by subsection (a) for coronary artery bypass surgery and other heart procedures, knee replacement surgery, and hip replacement surgery, in geographic areas nationwide such that at least 20 percent of the projected number of those procedures can be provided.

SEC. 719A. EFFECT OF ENACTMENT.

Not more than $1,100,000,000 of the savings for fiscal year 2000 resulting from the enactment of this part may be treated as negative discretionary budget authority and outlays for such fiscal year.

PART II—FOOD AND DRUG ADMINISTRATION USER FEES

SEC. 720. REFERENCES IN PART.

Except as otherwise provided in this part, references to a section or other provision of law are references to the Federal Food, Drug, and Cosmetic Act, and amendments made by this part to a section or other provision of law are amendments to such section or other provision of that Act.

Subpart A—Medical Device Fees

SEC. 721. SHORT TITLE.

This subpart may be cited as the ''Medical Device Fee Act of 1999''.

SEC. 722. FEES RELATING TO DEVICES.

Chapter VII (21 U.S.C. 371 et seq.) is amended—

(1) by redesignating sections 741, 742, 746, 751, 752, and 756, respectively; and

(2) by adding at the end of subchapter C the following new part:

''PART 3—FEES RELATING TO DEVICES

''SEC. 741. DEFINITIONS.

''For the purposes of this part, the terms listed in this section have the following meanings:

''(1) DEVICE APPLICATIONS.—The term 'device application' means—

''(A) an application for approval of a device submitted under section 515(c) or section 351 of the Public Health Service Act;

''(B) a supplement to an application described in subparagraph (A); or

''(C) a product development protocol described in section 515(f).

''(2) SUPPLEMENT.—The term 'supplement' means a request to the Secretary to approve a change in a device for which a notice of completion has become effective under section 515(f) or for which an application has been approved under section 515(d) or under section 351 of the Public Health Service Act.

''(3) ESTABLISHMENT.—The term 'establishment' means an establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a device or devices, with respect to which the person owning or operating such establishment is subject to the annual registration requirement under section 510. For purposes of the fees under this part, a place of business that is owned or operated by a single person, and which is at 1 general physical location consisting of 1 or more buildings all of which are within 5 miles of each other, shall be considered a single establishment.

''(4) PERIODIC PMA REPORT.—The term 'periodic PMA report' means any of such periodic reports as the Secretary may be regulation require of the holder of an approved premarket application or product development protocol pursuant to section 515.

''(5) PROCESS FOR THE REVIEW OF DEVICE APPLICATIONS.—The term 'process for the review of device applications' means the following activities of the Secretary with respect to the review of device applications and related activities:

''(A) The activities necessary for the review of device applications and related activities.

''(B) The issuance of action letters which allow marketing of devices or which set forth in detail the specific deficiencies in such applications and, where appropriate, the actions necessary to place such applications in approvable form.

''(C) The inspection of device establishments and other facilities undertaken as part of the Secretary's review of pending device applications.

''(D) Any activity necessary for the review of applications—

''(i) for licensure of devices subject to section 351 of the Public Health Service Act; and

''(ii) for the release of lots of such devices.

''(E) Review of device applications for an investigational new drug exemption under section 505(i) or for an investigational device exemption under section 520(g) and activities conducted in anticipation of the submission of an application under section 505(i) or 520(g).

''(F) The development of guidance, policy documents, or regulations to improve the process for the review of device applications.

''(G) The development of test methods or standards in connection with the review of device applications and related activities.

''(H) The provision of technical assistance to device manufacturers in connection with the submission of a device application.

''(I) Any activity undertaken under section 513 or 515(i) in connection with the initial classification or reclassification of a device or under section 515(b) in connection with any requirement for approval of a device.

''(J) Monitoring of research on devices.

''(K) Any activity undertaken under section 519(a) or 519(b).

''(L) Evaluation of postmarket studies required as a condition of an approval of a device application under section 515(d) or section 351 of the Public Health Service Act.

''(M) Evaluation of postmarket surveillance required under section 522.

''(6) COSTS OF RESOURCES ALLOCATED FOR THE PROCESS FOR THE REVIEW OF DEVICE APPLICATIONS.—The term 'costs of resources allocated for the process for the review of device applications' means the expenses incurred in connection with the process for the review of device applications and related activities for—

''(A) officers and employees of the Food and Drug Administration, employees under contract with the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees;

''(B) management of information, and the acquisition, maintenance, and repair of computer resources;

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials, services, and supplies; and

''(D) collecting fees under section 742 and accounting for resources allocated for the review of device applications, including activities related to the review of applications for fee exceptions, waivers, and reductions.

''(7) ADJUSTMENT FACTOR.—The term 'adjustment factor' has the meaning given that term in section 735(8), except that references therein—

''(A) to '1997' shall be read to mean '1999'; and

''(B) to 'the 105th Congress' shall be read to mean 'the 106th Congress'.

''SEC. 742. AUTHORITY TO ASSESS AND USE DEVICE FEES.

''(a) TYPES OF FEES.—Beginning in fiscal year 2000, the Secretary shall assess and collect fees in accordance with this section as follows:

''(1) DEVICE APPLICATION FEE.—

''(A) IN GENERAL.—Subject to the remaining provisions of this section, except as provided in subparagraph (B), each person that submits a device application on or after October 1, 1999, shall be subject to the fee prescribed by subsection (b). Before April 30, 2000, the Secretary shall establish guidelines for the combination of multiple device applications in those situations where it is appropriate to combine the applications and assess a single fee. A single fee shall be assessed upon an application which is such a combination.

''(B) EXCEPTIONS.—

''(i) FURTHER MANUFACTURING USE.—No fee shall be required for the submission of a device application under section 351 of the Public Health Service Act for a product licensed for further manufacturing use only.

''(ii) PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If a device application was—

''(I) submitted by a person that paid the fee for such application;

''(II) accepted for filing; and

''(III) not approved or was withdrawn,

the submission of a device application for the identical device by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

''(iii) SPECIAL LABELING IMPROVEMENTS.—No fee shall be required for the submission of a device application for a change in approved labeling that enhances the safety of the device or the safety in the use of the device.

''(2) ESTABLISHMENT REGISTRATION FEE.—Each person that is subject to the annual registration requirement under section 510 with respect to 1 or more establishments shall be assessed an annual fee established in subsection (b) for each such establishment.

''(3) PERIODIC PMA REPORT FEE.—Each person that is required to make a periodic PMA report on or after October 1, 1999, shall be assessed and annual fee established in subsection (b) for each device with respect to which such report is required.

''(b) FEE AMOUNTS.—Except as otherwise provided in this section, the fees required under subsection (a) shall be determined and assessed as follows:

''(1) FOR FISCAL YEAR 2000.—

''(A) APPLICATION AND SUPPLEMENT FEES.—The application fee under subsection (a)(1) shall be—

''(i) $40,000 for a device application described in subparagraph (A) or (C) of section 741(1); and

''(ii) $4,590 for a device application described in subparagraph (B) of section 741(1).

''(B) ESTABLISHMENT REGISTRATION FEE.—The annual establishment registration fee under subsection (a)(2) shall be $200.

''(C) PERIODIC PMA REPORT FEE.—The periodic PMA report fee under subsection (a)(3) shall be $1,000.

''(2) INFLATION ADJUSTMENT FOR SUBSEQUENT YEARS.—The fees established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for fiscal year 2001 and each succeeding fiscal year to reflect an inflation adjustment determined as described in section 736(c)(1), except that the reference therein to 'fiscal year 1997' shall be considered to mean 'fiscal year 2000'.

''(c) SPECIAL CIRCUMSTANCES FOR FEE WAIVER OR REDUCTION; SMALL BUSINESS EXCEPTION.—

''(1) WAIVERS.—The Secretary shall grant a waiver from or a reduction of a fee for a person under this subsection if the person has submitted an application under section 515(c) or 515(f), or under section 351 of the Public Heath Service Act and if the Secretary finds—

''(A) that such application is a device application for a device which has a humanitarian device exemption under section 520(m); or

''(B)(i) such waiver or reduction is necessary to protect the public health; or

''(ii) the assessment of the fee would present a significant barrier to innovation because of limited resources available to such person or other circumstances.

''(2) SMALL BUSINESS EXCEPTION.—

''(A) APPLICATIONS AND SUBMISSIONS.—The Secretary may waive the fee for any person employing fewer than 20 employees, including employees of affiliates (as defined in section 735(9)), that does not have, and whose affiliates do not have, an approved application submitted under section 515(c) or under section 351 of the Public Health Service Act or a cleared premarket notification under section 510(k).

''(B) CERTIFICATION.—The Secretary shall require any person who seeks a waiver in accordance with subparagraph (A) to certify such person's qualification under such subparagraph. The Secretary shall periodically publish in the Federal Register a list of persons making such certification.

''(d) PAYMENT DEADLINE; EFFECT OF FAILURE TO PAY FEES.—

''(1) DEVICE APPLICATION FEE.—A device application fee required under this section shall be due at the time the application is submitted to the Secretary. A device application or supplement submitted by a person subject to fees under this section shall be considered incomplete and shall not be accepted for review by the Secretary until all such fees owed by such person have been paid.

''(2) ESTABLISHMENT REGISTRATION FEE.—An establishment registration fee required under this section shall be due not later than December 31 of each year. A device establishment for which a fee due under this section has not been paid by such date shall not be considered a registered establishment for purposes of section 510.

''(3) PERIODIC PMA REPORT FEE.—A periodic PMA report fee shall be due not later than the due date of the periodic PMA report, as set forth in the notice approving the PMA application (or, in the case of a PMA for which reports are required to be submitted more often than annually, on the due date of the first such report in such fiscal year). A periodic PMA report with respect to which such annual fee has not been paid by such due date shall not be considered to have been filed as required in the notice of approval of the PMA.

''(4) ADDITIONAL SANCTIONS.—In addition to the sanctions described above, the Secretary may—

''(A) discontinue review of any device application submitted by a person if such person has not paid all fees owed under this section; and

''(B) assess a penalty of 25 percent of the fee due, in the case of any fee overdue by more than 3 months.

''(e) REFUND OF FEES.—

''(1) IF DEVICE APPLICATION REFUSED.—The Secretary shall refund 75 percent of the fee paid under subsection (d)(1) for any device application which the Secretary refuses to accept for review.

''(2) IF DEVICE APPLICATION WITHDRAWN.—If a device application is withdrawn after the Secretary has accepted it for review, the Secretary may refund all or a portion of the fee if no substantial work was performed on the application after acceptance for review. The determination whether to refund all or any portion of the fee shall be in the Secretary's sole discretion and shall not be reviewable.

''(f) GENERAL CONDITIONS APPLICABLE TO FEE ASSESSMENT AUTHORITY.—

''(1) LIMITATION.—Fees may not be assessed under this section for a fiscal year beginning after fiscal year 2000 unless appropriations for such fiscal year for salaries and expenses of the Food and Drug Administration (excluding amounts appropriated for fees under this subchapter), and for that portion of such appropriation designated for the Center for Devices and Radiological Health, equal or exceed such appropriations for fiscal year 1999 multiplied by the adjustment factor.

''(2) DELAYED ASSESSMENT.—If the Secretary does not assess fees under this section during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without modification in the rate, at any time in such fiscal year notwithstanding the provisions of subsection (d) relating to the date fees are to be paid.

''(g) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under this section shall be available for obligation only to the extent and in the amounts provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended solely for the review of device applications. Such fees shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Any amount of fees collected for a fiscal year under this subsection that exceeds the amount of fees made available in appropriations Acts for such fiscal year may be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Excess fees may be retained but are not available for obligation until appropriated. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) LIMITATION.—The fees authorized by this section shall only be available to defray increases in the costs of the resources allocated for the process for the review of device applications (including increases in such costs for an additional number of full-time equivalent employees in the Department of Health and Human Services to be engaged in such process) over such costs for fiscal year 1999 multiplied by the adjustment factor.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) DEVICE APPLICATION FEES.—There are authorized to be appropriated for device application fees under this section—

''(A) $3,645,000 for fiscal year 2000;

''(B) $3,745,000 for fiscal year 2001;

''(C) $3,845,000 for fiscal year 2002;
''(D) $3,945,000 for fiscal year 2003; and
''(E) $4,000,000 for fiscal year 2004.

''(2) ESTABLISHMENT REGISTRATION FEES.—There are authorized to be appropriated for establishment registration fees under this section—

''(A) $2,880,000 for fiscal year 2000;
''(B) $2,955,000 for fiscal year 2001;
''(C) $3,030,000 for fiscal year 2002;
''(D) $3,100,000 for fiscal year 2003; and
''(E) $3,200,000 for fiscal year 2004.

''(3) PERIODIC PMA REPORT FEES.—There are authorized to be appropriated for periodic PMA report fees under this section—

''(A) $475,000 for fiscal year 2000;
''(B) $500,000 for fiscal year 2001;
''(C) $525,000 for fiscal year 2002;
''(D) $550,000 for fiscal year 2003; and
''(E) $570,000 for fiscal year 2004.

''(i) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(j) ANNUAL REPORT.—Beginning with fiscal year 2000, not later than 120 days after the end of each fiscal year during which fees are collected under this part the Secretary shall prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning—

''(1) the reduction in the backlog for the review of device applications and the reduction in the amount of time to complete review of such applications after submission;

''(2) the implementation of the authority for such fees during such fiscal year; and

''(3) the use, by the Food and Drug Administration, of the fees collected during such fiscal year.''.

SEC. 723. SUNSET.

The amendments made by this subpart shall not be in effect after September 30, 2005.

Subpart B—Fees To Support Costs of Review of Food and Color Additive Petitions

SEC. 725. SHORT TITLE.

This subpart may be cited as the ''Food and Color Additive Petition Fee Act of 1999''.

SEC. 726. FEES TO SUPPORT COSTS OF FOOD AND COLOR ADDITIVE PETITIONS.

Chapter VII (21 U.S.C. 371 et seq.) is further amended by adding at the end of subchapter C the following new part:

''PART 4—FEES RELATING TO FOOD AND COLOR ADDITIVE PETITIONS

''SEC. 750. AUTHORITY TO ASSESS AND USE FEES.

''(a) DEFINITIONS.—For purposes of this part, the terms listed in this subsection have the following meanings:

''(1) FOOD ADDITIVE PETITION.—The term 'food additive petition' means a petition submitted pursuant to section 409(b).

''(2) COLOR ADDITIVE PETITION.—The term 'color additive petition' means a petition submitted pursuant to section 721(d).

''(3) PETITION REVIEW ACTIVITIES.—The term 'petition review activities' means the following activities of the Secretary with respect to the review of food additive and color additive petitions:

''(A) The activities necessary for the review of food additive and color additive petitions and related activities.

''(B) The issuance of regulations which allow marketing of an additive or written correspondence or other documentation which sets forth the deficiencies in such an additive petition and, where appropriate, the actions necessary to resolve such deficiencies.

''(C) The evaluation of the regulatory status and issuance of correspondence or other written documentation concerning the substances described in paragraphs (1) through (4) of section 908(a).

''(D) The inspection of testing facilities undertaken as part of the Secretary's review of a pending additive petition.

''(E) The development of guidance and policy documents regarding the review of additive petitions.

''(F) The development of test methods and standards in connection with the review of additive petitions and related activities.

''(G) The provision of technical assistance to prospective petitioners in connection with the submission of an additive petition.

''(H) Monitoring of studies and data pertaining to the safety of substances described in paragraphs (1) through (4) of section 908(a).

''(I) The activities necessary for registration under section 908.

''(4) COSTS OF RESOURCES ALLOCATED FOR PETITION REVIEW ACTIVITIES.—The term 'costs of resources allocated for petition review activities' means the expenses incurred in connection with the process for the review of food and color additive petitions and related activities for—

''(A) officers and employees of the Food and Drug Administration, employees under contract with the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees;

''(B) management of information, and the acquisition, maintenance, and repair of computer resources;

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials, services, and supplies; and

''(D) collecting fees under this section and accounting for resources allocated for petition review activities, including activities related to the review of applications for fee exceptions, waivers, and reductions.

''(5) TIER I, TIER II, TIER III PETITIONS; REGULATORY MODIFICATION.—

''(A) The term 'tier I petition' means a petition for approval of an additional use or uses of an additive for which a use is already approved, except as otherwise provided in subparagraph (B).

''(B) The term 'tier II petition' means—

''(i) a petition for first-time approval of any use of an additive (other than a petition described in subparagraph (C)); or

''(ii) a petition for approval of an additional use or uses of an already approved additive, where the proposed additional use would—

''(I) result in a significant increase in dietary exposure to such substance; or

''(II) raise novel safety issues.

''(C) The term 'tier III petition' means a petition for first-time approval of any use of an additive that would—

''(i) result in a significant dietary exposure to such substance; or

''(ii) raise novel safety issues.

''(D) REGULATORY MODIFICATION.—The Secretary may by regulation revise the definitions in subparagraphs (A) through (C).

''(6) ADJUSTMENT FACTOR.—The term 'adjustment factor' has the meaning given that term in section 735(8), except that references therein—

''(A) to '1997' shall be read to mean '1999'; and

''(B) to 'the 105th Congress' shall be read to mean 'the 106th Congress'.

''(b) ASSESSMENT OF FEES.—Subject to the remaining provisions of this section, except to the extent otherwise provided in subsection (d), each person that, on or after October 1, 1999—

''(1) submits a food or color additive petition; or

''(2) is required to register under section 908 (other than a person that manufactures, processes, or packages a substance that is subject to certification under section 721(c)(1)), shall be subject to fees under this part.

''(c) FEE AMOUNTS.—

''(1) FOR INITIAL FISCAL YEARS.—

''(A) FOR FOOD OR COLOR ADDITIVE PETITION.—The fee under this part for a food or color additive petition shall be—

''(i) FOR FISCAL YEAR 2000.—
''(I) $15,000 for a tier I petition;
''(II) $60,000 for a tier II petition; and
''(III) $260,000 for a tier III petition.

''(ii) FOR FISCAL YEAR 2001.—
''(I) $20,000 for a tier I petition;
''(II) $88,500 for a tier II petition; and
''(III) $275,000 for a tier III petition.

''(iii) FOR FISCAL YEAR 2002.—
''(I) $27,000 for a tier I petition;
''(II) $120,000 for a tier II petition; and
''(III) $290,000 for a tier III petition.

''(iv) FOR FISCAL YEAR 2003.—
''(I) $37,000 for a tier I petition;
''(II) $155,000 for a tier II petition; and
''(III) $345,000 for a tier III petition.

''(v) FOR FISCAL YEAR 2004.—
''(I) $43,000 for a tier I petition;
''(II) $175,000 for a tier II petition; and
''(III) $400,000 for a tier III petition.

''(B) FOR REGISTRATION OF FOOD ADDITIVE AND COLOR ADDITIVE PRODUCERS.—The fee under this part for registration under section 908 shall be—

''(i) $4,500 for fiscal year 2000;
''(ii) $7,380 for fiscal year 2001;
''(iii) $9,927 for fiscal year 2002;
''(iv) $12,390 for fiscal year 2003; and
''(v) $14,853 for fiscal year 2004,

for each place of business listed in the registration of such person under section 908.

''(2) INFLATION ADJUSTMENT.—The fees established in paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for fiscal year 2001 and each succeeding fiscal year to reflect an inflation adjustment determined as described in section 736(c)(1), except that the reference therein to 'fiscal year 1997' shall be considered to mean 'fiscal year 2000'.

''(d) WAIVERS AND EXCEPTIONS FOR PETITION FEES: EXTRAORDINARY CIRCUMSTANCES; SMALL BUSINESS.—

''(1) EXTRAORDINARY CIRCUMSTANCES.—The Secretary may waive or reduce food or color additive petition fees based on extraordinary circumstances as determined by the Secretary, including the circumstance of a food additive petition for a proposed use of a substance that is intended to reduce significantly human pathogens or their toxins in or on food, where the petitioner demonstrates that assessment of a fee would present a significant barrier to innovation because the petitioner has limited resources available.

''(2) SMALL BUSINESSES.—

''(A) IN GENERAL.—Any business that—

''(i) has fewer that 20 employees, including employees of affiliates; and

''(ii) has not previously submitted a petition under section 409 or under section 721,

shall pay ½ the amount of the petition fee under this part for the first submission under such section 409 or section 721.

''(B) AFFILIATE.—For purposes of this paragraph, the term 'affiliate' has the meaning given that term in section 735(9).

''(e) PAYMENT DEADLINE; EFFECT OF FAILURE TO PAY FEES.—

''(1) FOOD AND COLOR ADDITIVE PETITION FEES.—Fees assessed under this section with respect to a petition shall be due and payable

at the time the petition is submitted to the Secretary. A food or color additive petition submitted by a person subject to a fee under this section shall be considered incomplete and shall not be accepted by the Secretary until all fees owed by such person have been paid.

''(2) FOOD INGREDIENT AND COLOR ADDITIVE PRODUCER REGISTRATION FEES.—Fees assessed under this section for a fiscal year with respect to a person required to register under section 908 shall be due and payable not later than the registration deadline specified in such section for such fiscal year. A person that has not paid a fee due under this section by such date shall not be considered registered for purposes of section 908.

''(f) REFUND OF ADDITIVE PETITION FEES.—

''(1) IF PETITION REFUSED.—The Secretary shall refund 75 percent of the fee paid under subsection (e)(1) for any food or color additive petition which the Secretary declines to file.

''(2) IF PETITION WITHDRAWN.—If a food or color additive petition is withdrawn after the Secretary has filed it, the Secretary may refund a portion of the fee up to 75 percent if no substantial work was performed on the petition after filing. The determination whether to refund any portion of the fee shall be in the Secretary's sole discretion, and shall not be reviewable.

''(g) GENERAL CONDITIONS APPLICABLE TO FEE ASSESSMENT AUTHORITY.—

''(1) LIMITATION.—Fees may not be assessed under this section for a fiscal year beginning after fiscal year 2000 unless appropriations for such fiscal year for salaries and expenses of the Food and Drug Administration (excluding amounts appropriated for fees under this subchapter), and for that portion of such appropriation designated for the Center for Food Safety and Applied Nutrition, equal or exceed such appropriations for fiscal year 1999 multiplied by the adjustment factor.

''(2) DELAYED ASSESSMENT.—If the Secretary does not assess fees under this part during any portion of a fiscal year due to paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without modification in the rate, any time in such fiscal year notwithstanding the provisions of subsection (e) relating to the date fees are to be paid.

''(h) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under this section shall be available for obligation only to the extent and in the amounts provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended solely for the petition review activities set forth in subsection (a)(4). Such fees shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Any amount of fees collected for a fiscal year under this subsection that exceeds the amount of fees made available in appropriations Acts for such fiscal year may be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Excess fees may be retained but are not available for obligation until appropriated. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(2) LIMITATION.—The fees authorized by this section shall only be available to defray increases in the costs of the resources allocated for petition review activities (including increases in such costs for an additional number of full-time equivalent employees in the Department of Health and Human Services to be engaged in such process) over such costs for fiscal year 1999, multiplied by the adjustment factor.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

''(1) for food and color additive petitions—

''(A) $1,300,000 for fiscal year 2000;

''(B) $1,675,000 for fiscal year 2001;

''(C) $2,250,000 for fiscal year 2002;

''(D) $2,875,000 for fiscal year 2003; and

''(E) $3,500,000 for fiscal year 2004 and each succeeding fiscal year; and

''(2) for food ingredient and color additive producers—

''(A) $2,700,000 for fiscal year 2000;

''(B) $4,428,000 for fiscal year 2001;

''(C) $5,956,000 for fiscal year 2002;

''(D) $7,434,000 for fiscal year 2003; and

''(E) $8,912,000 for fiscal year 2004 and each succeeding fiscal year,

adjusted to reflect the percentage adjustment of fees authorized under subsection (c).

''(j) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(k) PERFORMANCE GOALS.—Upon enactment of this section, the Secretary shall send to the Congress a letter which shall declare goals and timetables for review by the Food and Drug Administration of food additive and color additive petitions.

''(l) ANNUAL REPORT.—Beginning with fiscal year 2000, not later than 120 days after the end of each fiscal year during which fees are collected under this part, the Secretary shall submit to the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning—

''(1) the progress of the Food and Drug Administration in achieving the goals declared pursuant to subsection (k);

''(2) the implementation of the authority for such fees during such fiscal year; and

''(3) the use by the Food and Drug Administration of the fees collected during such fiscal year.''.

SEC. 727. REGISTRATION OF FOOD INGREDIENT AND COLOR ADDITIVE PRODUCERS.

(a) REGISTRATION REQUIREMENT FOR PRODUCERS.—Chapter IX (21 U.S.C. 391 et seq.) is amended by adding at the end the following new section:

''SEC. 907. REGISTRATION OF FOOD INGREDIENT AND COLOR ADDITIVE PRODUCERS.

''(a) REGISTRATION REQUIREMENT.—On or before October 1, 1999 (or, if later, the date 3 months after the date of enactment of this section), and on or before October 1 of each succeeding year, a person in any State engaged in the manufacture, processing, or packaging of any of the following substances shall register with the Secretary the person's name and all places of business of such person engaged in such manufacture, processing, or packaging:

''(1) A substance that is subject to regulation under section 409 of this Act except a substance that is distributed in interstate commerce on the basis of section 409(a)(3)(B).

''(2) A substance that is distributed in interstate commerce on the basis that it is generally recognized as safe within the meaning of section 201(s) of this Act, including any substance listed as generally recognized as safe in the Code of Federal Regulations, and any substance asserted to be generally recognized as safe where the Food and Drug Administration has been notified of such assertion as part of a notification program of the Food and Drug Administration.

''(3) A substance that is distributed in interstate commerce on the basis of section 201(s)(4).

''(4) A substance that is subject to regulation under section 721.

''(b) DELINEATION OF SINGLE PLACE OF BUSINESS.—For purposes of this section and part 4 of subchapter C of chapter VII, a place of business that is owned or operated by a single person, and which is at 1 general physical location consisting of 1 or more buildings all of which are within 5 miles of each other, shall be considered a single place of business.''.

(b) ARTICLES PRODUCED BY AN UNREGISTERED PERSON.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following new subsection:

''(t) If it was manufactured, processed, or packaged in any State by a person not duly registered under section 908.''.

SEC. 728. AMENDMENTS RELATING TO FOOD ADDITIVE PETITION REVIEW PROCESS.

(a) ACTION ON PETITION.—Section 409(c) (21 U.S.C. 348(c)) is amended—

(1) in paragraph (1)(A)—

(A) by striking ''(A) by order establish'' and inserting ''(A) establish''; and

(B) by striking ''petitioner of such order'' and inserting ''petitioner of such regulation'';

(2) in paragraph (1)(B)—

(A) by striking ''(B) by order deny'' and inserting ''(B) deny''; and

(B) by striking ''such order'' and inserting ''such denial'';

(3) in paragraph (2)—

(A) by striking ''The order required'' and inserting ''The Secretary shall take the action required''; and

(B) by striking ''shall be issued''; and

(4) in paragraph (3) by striking ''No such regulation shall issue if'' and inserting ''No regulation shall issue under paragraph (1) if''.

(b) REGULATION ISSUED ON SECRETARY'S INITIATIVE.—Section 409(d) (21 U.S.C. 348(d)) is amended in the second sentence by striking ''by order''.

(c) PUBLICATION AND EFFECTIVE DATE OF ORDERS.—Section 409 (21 U.S.C. 348) is amended in subsection (e) to read as follows:

''(e) Any regulation issued under subsection (c) or (d) shall be published and shall be effective upon publication.''.

(d) JUDICIAL REVIEW.—Section 409(f) (21 U.S.C. 348(f)) is amended read as follows:

''(f)(1) Any person adversely affected by an action by the Secretary under subsection (c) or (d), including any amendment or repeal of a regulation issued under this section, may obtain judicial review of such action by filing in the United States Court of Appeals for the circuit in which such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, within 60 days of such action, a petition requesting that the regulation be set aside in whole or in part.

''(2) The court, on such judicial review, shall not sustain the Secretary's action if such action was not based upon a fair evaluation of the entire record before the Secretary.''.

(e) FINALITY OF COURT ORDER.—Section 409(g) (21 U.S.C. 348(g)) is amended by striking paragraphs (1) through (4) and by striking the paragraph designation ''(5)''.

(f) ACCESS TO OUTSIDE EXPERTS DURING REVIEW PROCESS.—Section 409 (21 U.S.C. 348) is amended by adding at the end the following new subsection:

''(k) ACCESS TO OUTSIDE EXPERTS DURING REVIEW PROCESS.—Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary may consult with, or seek advice from, a person who is not a full-time officer or employee of the Federal Government, either as an individual or as part of a

group of such individuals, for the purpose of obtaining expert scientific review of data or other information submitted to the Secretary under this section, if the Secretary determines that the expertise provided by such individual or group of individuals would contribute to the quality of the scientific review of such submission or to the timeliness of such review and such expertise is not otherwise available within the Food and Drug Administration. The reviews, opinions, and conclusions of individuals obtained under the authority of this subsection shall be reduced to written form and place in the relevant administrative file.''.

SEC. 728A. AMENDMENTS RELATING TO COLOR ADDITIVE PETITION REVIEW PROCESS.

(a) DETERMINATION OF SAFETY OF COLOR ADDITIVES.—Section 721(b)(5) (21 U.S.C. 379e(b)(5)) is amended by striking subparagraphs (C) and (D).

(b) PROCEDURE FOR ISSUANCE, AMENDMENT, OR REPEAL OF REGULATIONS.—Subsection (d) of section 721 (21 U.S.C. 379e(d)) is amended to read as follows:

''Procedure for Issuance, Amendment, or Repeal of Regulations

''(d)(1) The issuance, amendment, or repeal of regulations under subsection (b) may be commenced by a proposal made (A) by the Secretary on the Secretary's own initiative, or (B) by petition of any interested person, showing reasonable grounds therefor, submitted to the Secretary. Where an action is commenced by the submission of a petition, the Secretary shall, within 30 days of its filing by the Secretary, publish notice of such petition, describing in general terms the action proposed by the petition. The Secretary shall act upon such petition within the time period set out in section 409(c)(2) by establishing a regulation under subsection (b) or by denying such petition. The Secretary shall notify the petitioner of the action taken on the petition and the reasons for such action.

''(2) Any regulation issued under this subsection shall be published and shall be effective upon publication.

''(3)(A) Any person adversely affected by an action by the Secretary under this subsection, including any amendment or repeal of a regulation issued under this section, may obtain judicial review of such action by filing in the United States Court of Appeals for the circuit in which such person resides or has his or her principal place of business, or in the United States Court of Appeals for the District of Columbia, within 60 days of such action, a petition requesting that the regulation be set aside in whole or in part.

''(B) The court, on such judicial review, shall not sustain the Secretary's action if such action was not based upon a fair evaluation of the entire record before the Secretary.

''(4) The judgment of the court affirming or setting aside, in whole or in part, any order under paragraph (3) 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 of the United States Code. The commencement of proceedings under this section shall not, unless specifically ordered by the court to the contrary, operate as a stay of an order.''.

(c) FEES.—Section 721(e) (21 U.S.C. 379e(e)) is amended by striking ''admitting to listing and''.

(d) ACCESS TO OUTSIDE EXPERTS DURING REVIEW PROCESS.—Section 721 (21 U.S.C. 379e) is amended by adding at the end the following new subsection:

''Access to Outside Experts During Review Process

''(g) Notwithstanding the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary may consult with, or seek advice from, a person who is not a full-time officer or employee of the Federal Government, either as an individual or as part of a group of such individuals, for the purpose of obtaining expert scientific review of data or other information submitted to the Secretary under this section, if the Secretary determines that the expertise provided by such individual or group of individuals would contribute to the quality of the scientific review of such submission or to the timeliness of such review and such expertise is not otherwise available within the Food and Drug Administration. The reviews, opinions, and conclusions of individuals obtained under the authority of this subsection shall be reduced to written form and placed in the relevant administrative file.''.

Subpart C—Food Contact Substance Notification Fees

SEC. 729. SHORT TITLE.

This subpart may be cited as the ''Food Contact Substance Notification Fee Act of 1999''.

SEC. 729A. FEES RELATING TO FOOD CONTACT SUBSTANCE NOTIFICATIONS.

Chapter VII (21 U.S.C. 371 et seq.) is further amended by adding at the end of subchapter C the following new part:

''PART 5—FEES RELATING TO NOTIFICATIONS FOR FOOD CONTACT SUBSTANCES

''SEC. 754. AUTHORITY TO ASSESS AND USE FEES.

''(a) DEFINITIONS.—For purposes of this part, the terms used in this subsection have the following meanings:

''(1) FOOD CONTACT SUBSTANCE.—The term 'food contact substance' has the meaning given that term in section 409(h)(6).

''(2) NOTIFICATION.—The term 'notification' means a notification submitted pursuant to section 409(h).

''(3) NOTIFICATION REVIEW ACTIVITIES.—The term 'notification review activities' means the following activities of the Secretary with respect to the review of notifications:

''(A) The activities necessary for the review of notifications and related activities.

''(B) The issuance of written correspondence or other documents which set forth the deficiencies in such notifications and, where appropriate, the actions necessary to resolve such deficiencies.

''(C) The development of guidance and policy documents regarding the process for the review of notifications.

''(D) The development of test methods and standards in connection with the review of notifications and related activities.

''(E) The provision of technical assistance to prospective notifiers in connection with the submission of a food contact substance notification.

''(F) Monitoring of studies and data pertaining to the safety of substances described in paragraphs (1) through (4) of section 908.

''(4) COSTS OF RESOURCES ALLOCATED FOR NOTIFICATION REVIEW ACTIVITIES.—The term 'costs of resources allocated for notification review activities' means the expenses incurred in connection with the process for the review of notifications and related activities for—

''(A) officers and employees of the Food and Drug Administration, employees under contract with the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees;

''(B) management of information, and the acquisition, maintenance, and repair of computer resources;

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials, services, and supplies; and

''(D) collecting fees under this section and accounting for resources allocated for the review of notifications and related activities.

''(5) TIER I, TIER II, TIER III NOTIFICATIONS; REGULATORY MODIFICATION.—

''(A) TIER I NOTIFICATION.—The term 'tier I notification' means a notification for—

''(i) a use that results in an incremental increase in dietary exposure to the food contract substance equal to or less than 0.5 parts per billion; or

''(ii) a new use of a substance that does not require review of additional safety data.

''(B) TIER II NOTIFICATION.—The term 'tier II notification' means a notification for a use or uses—

''(i) that results in an incremental increase in estimated dietary exposure to the food contact substances of less than or equal to 50 parts per billion, but greater than 0.5 parts per billion in the diet; or

''(ii) that does not require review of more than 1 animal toxicity study with a duration of 90 days or more.

''(C) TIER III NOTIFICATION.—The term 'tier III notification' means a notification—

''(i) not described in subparagraph (A) or (B); or

''(ii) for a food contact substance that is a new food contact material.

''(D) REGULATORY MODIFICATION.—The Secretary may by regulation revise the definitions in subparagraphs (A) through (C).

''(6) ADJUSTMENT FACTOR.—The term 'adjustment factor' has the meaning given that term in section 735(8), except that references therein—

''(A) to '1997' shall be read to mean '1999'; and

''(B) to 'the 105th Congress' shall be read to mean 'the 106th Congress'.

''(b) ASSESSMENT OF FEES.—Subject to the remaining provisions of this section, each person that submits a notification under section 409(h) on or after October 1, 1999, shall be subject to fees established in accordance with this part.

''(c) FEE AMOUNTS.—

''(1) FOR FISCAL YEAR 2000.—The fee under this part for a notification submitted in fiscal year 2000 shall be—

''(A) $5,000 for each tier I notification;

''(B) $20,000 for each tier II notification; and

''(C) $40,000 for each tier III notification.

''(2) INFLATION ADJUSTMENT FOR SUBSEQUENT YEARS.—The fees established in paragraph (1) shall be adjusted by the Secretary by notice, published in the Federal Register, for fiscal year 2001 and each succeeding fiscal year to reflect an inflation adjustment determined as described in section 736(c)(1), except that the reference therein to 'fiscal year 1997' shall be considered to mean 'fiscal year 2000'.

''(d) PAYMENT DEADLINE; EFFECT OF FAILURE TO PAY FEES.—Fees assessed under this section shall be due and payable at the time the notification is submitted to the Secretary. A notification submitted by a person subject to fees assessed under this section shall be considered incomplete, shall not be accepted by the Secretary, and shall not be considered effective under section 409(a)(3)(B) until 120 days after all fees owed by such persons have been paid.

''(e) GENERAL CONDITIONS APPLICABLE TO FEE ASSESSMENT AUTHORITY.—

''(1) LIMITATION.—Fees may not be assessed under this section for a fiscal year beginning after fiscal year 2000 unless appropriations for such fiscal year for salaries and expenses of the Food and Drug Administration (excluding amounts appropriated for fees under this subchapter), and for that portion of such appropriation designated for the Center for

Food Safety and Applied Nutrition, equal or exceed such appropriations for fiscal year 1999 multiplied by the adjustment factor.

''(2) DELAYED ASSESSMENT.—If the Secretary does not assess fees under this part during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without modification in the rate, for activities related to the regulatory purpose for which they were collected any time in such fiscal year notwithstanding the provisions of subsection (d) relating to the date fees are to be paid.

''(f) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under this section shall be available for obligation only to the extent and in the amounts provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended solely to support the notification review activities set forth in subsection (a)(3). Such fees shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Any amount of fees collected for a fiscal year under this subsection that exceeds the amount of fees made available in appropriations Acts for such fiscal year may be credited to the appropriation account for salaries and expenses of the Food and Drug Administration. Excess fees may be retained but are not available for obligation until appropriated. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section $6,000,000 for fiscal year 2000 and each succeeding fiscal year, as adjusted to reflect the percentage adjustment of fees authorized under subsection (b).

''(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.''.

SEC. 729B. AMENDMENT RELATING TO FOOD CONTACT SUBSTANCE NOTIFICATION PROCESS.

Section 409(h)(5)(A)(iv) (21 U.S.C. 348(h)(5)(A)(iv)) is amended to read as follows:

''(iv) For fiscal year 2000 and subsequent fiscal years, the applicable amount under this clause is the amount specified in section 754(g).''.

PART III—HEALTH CARE FINANCING ADMINISTRATION USER FEES

SEC. 731. REFERENCES IN PART.

Except as otherwise provided in this part, references to a section or other provision of law are references to the Social Security Act, and amendments made by this part to a section or other provision of law are amendments to such section or other provision of that Act.

SEC. 732. INCREASE IN MEDICARE+CHOICE FEE FOR ENROLLMENT-RELATED COSTS.

Section 1857(e)(2)(D)(ii) (42 U.S.C. 1395w–27(e)(2)(D)(ii)) is amended—

(1) by adding ''and'' at the end of subclause (I);

(2) in subclause (II)—

(A) by inserting ''and each subsequent fiscal year'' after ''in fiscal year 1999''; and

(B) by striking ''; and'' and inserting a period; and

(3) by striking subclause (III).

SEC. 733. COLLECTION OF FEES FROM MEDICARE+CHOICE ORGANIZATIONS FOR CONTRACT INITIATION AND RENEWAL.

Section 1857 (42 U.S.C. 1395w–27) is amended by adding at the end the following new subsection:

''(i) FEES FOR CONTRACT ISSUANCE AND RENEWAL AND ONGOING MONITORING.—

''(1) AUTHORITY TO IMPOSE FEES.—The Secretary shall impose—

''(A) fees for initial Medicare+Choice contracts under this part; and

''(B) annual fees for renewal of such contracts and monitoring of the ongoing operations of Medicare+Choice organizations.

''(2) ASSESSMENT OF FEES.—

''(A) TYPES OF FEES.—

''(i) INITIATION FEES.—Fee amounts assessed against a member of a class of organizations pursuant to paragraph (1)(A) shall not exceed the Secretary's reasonable estimate of the average cost of initiating a Medicare+Choice contract for an organization in such class.

''(ii) RENEWAL AND MONITORING FEES.—Fee amounts assessed pursuant to paragraph (1)(B) against members of a class of organizations shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover total annual costs for renewing contracts and performing ongoing monitoring with respect to such class.

''(B) REDUCTION OR WAIVER OF FEES.—The Secretary may reduce or waive the fees under this subsection in exceptional circumstances which the Secretary determines to be in the public interest.

''(3) COLLECTION AND CREDITING OF FEES.—

''(A) INITIAL FEES.—Fees assessed against an organization pursuant to paragraph (1)(A) shall be payable upon submission of the application to participate in the program under this title as a Medicare+Choice organization (and shall apply whether or not the Secretary approves such application) and shall be credited to the Health Care Financing Administration Program Management Account.

''(B) RENEWAL AND MONITORING FEES.—Fees assessed against an organization pursuant to paragraph (1)(B) shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such organization. Such fees shall be credited to the Health Care Financing Administration Program Management Account.

''(C) OFFSET.—Any amount of fees collected in a fiscal year under this subsection that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriation Acts.

''(4) AVAILABILITY OF FEES.—Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to be appropriated to remain available until expended for the costs of the activities for which they were assessed.''.

SEC. 734. FEES FOR SURVEY AND CERTIFICATION.

(a) IN GENERAL.—Section 1864(e) (42 U.S.C. 1395aa(e)) is amended to read as follows:

''(e) FEES FOR CONDUCTING CERTIFICATION SURVEYS.—

''(1) AUTHORITY TO IMPOSE FEES.—Except as provided in paragraph (6), the Secretary shall impose, or require States as a condition of agreements under this section to impose—

''(A) fees for surveys for the purpose of making initial determinations as to whether entities meet requirements under this title; and

''(B) annual fees to cover the costs of periodic surveys to determine whether entities participating in the program under this title continue to meet such requirements.

''(2) ASSESSMENT OF FEES.—

''(A) TYPES OF FEES.—

''(i) FEES FOR INITIAL SURVEYS.—Fee amounts assessed pursuant to paragraph (1)(A) against an entity in a class in a State shall not exceed the estimated average cost of an initial survey and determination for an entity in such class and State.

''(ii) FEES FOR RECERTIFICATION SURVEYS.—

''(I) IN GENERAL.—Fee amounts assessed pursuant to paragraph (1)(B) against entities in a class in a State shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover the applicable percentage specified in subclause (II) of total annual costs for such surveys and determinations with respect to such class and State.

''(II) APPLICABLE PERCENTAGES.—For purposes of subclause (I), the applicable percentage is—

''(aa) 33 percent for fiscal year 2000;

''(bb) 66 percent for fiscal year 2001; and

''(cc) 100 percent for fiscal year 2002 and each succeeding fiscal year.

''(B) REDUCTION OR WAIVER OF FEES.—The Secretary may reduce or waive the fees under this subsection in exceptional circumstances which the Secretary determines to be in the public interest.

''(3) COLLECTION AND CREDITING OF FEES.—

''(A) FEES FOR INITIAL SURVEYS.—

''(i) COLLECTION OF FEES.—Fees assessed against an entity in a State pursuant to paragraph (1)(A) shall be payable at the time of the initial survey to the Secretary (or, in the case of surveys performed by a State agency, to such agency).

''(ii) REMITTANCE OF FEE AMOUNT TO SECRETARY WHERE STATE COLLECTS FEES.—In the event a State agency collects a fee pursuant to clause (i), such agency shall remit to the Secretary an amount equal to the Secretary's share of the cost of the activities described in paragraph (1)(A).

''(iii) CREDITING OF FEES.—Fees paid to the Secretary pursuant to clause (i) or remitted to the Secretary pursuant to clause (ii) shall be credited to the Health Care Financing Administration Program Management Account.

''(B) FEES FOR RECERTIFICATION SURVEYS.—

''(i) COLLECTION OF FEES.—Fees assessed against an entity pursuant to paragraph (1)(B) shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such entity.

''(ii) REIMBURSEMENT OF STATE AGENCY COSTS.—Of amounts collected pursuant to clause (i), an amount equal to the State's share of the cost of activities described in paragraph (1)(B) shall be transferred to the appropriate State agency.

''(iii) REIMBURSEMENT OF SECRETARY'S COSTS.—The balance of the amount collected pursuant to clause (i) that is not paid to a State agency pursuant to clause (ii) shall be credited to the Health Care Financing Administration Program Management Account.

''(C) OFFSET.—Any amount of fees collected in a fiscal year under this subsection that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriation Acts.

''(4) AVAILABILITY OF FEES.—Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriation

Acts. Such fees are authorized to be appropriated to remain available until expended for the costs of the activities for which they were assessed.

''(5) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this subsection as an allowable item on a cost report under this title or title XIX.

''(6) CERTAIN ENTITIES NOT SUBJECT TO FEE.—The Secretary shall not impose fees under this subsection against entities subject to the requirements of the Clinical Laboratory Improvement Amendments of 1988 (Public Law 100-578, 42 U.S.C. 263a).''.

(b) SIMPLER AND MORE FLEXIBLE LEGISLATIVE AUTHORITY.—

(1) IN GENERAL.—The first two sentences of section 1864(a) (42 U.S.C. 1395aa(a)) are amended to read as follows: ''The Secretary may make an agreement with a State under which the services of a State agency (or local agencies) will be utilized by the Secretary in determining whether entities that furnish items or services for which payment may be made under this title meet requirements under this title. To the extent that the Secretary finds it appropriate, an entity that a State (or local) agency finds to have met requirements under this title may be treated by the Secretary as having met those requirements.''.

(2) POSTING OF FINDINGS.—The fifth sentence of such section is amended to read as follows: ''Within 90 days after the completion of a survey of an entity under the first sentence of this subsection, the Secretary shall make public in readily available form and place, and require (in the case of skilled nursing facilities) the posting in a place readily accessible to patients (and patients' representatives), the pertinent findings of the survey as to the compliance of the entity with statutory requirements under this title and with the major additional conditions that the Secretary finds necessary in the interest of health and safety of individuals who are furnished items or services by the entity.''.

(3) CLERICAL AMENDMENT.—The heading of section 1864 (42 U.S.C. 1395aa) is amended by striking ''WITH CONDITIONS OF PARTICIPATION'' and inserting ''AND OTHER ENTITIES WITH REQUIREMENTS UNDER THIS TITLE''.

SEC. 735. FEES FOR REGISTRATION OF INDIVIDUALS AND ENTITIES PROVIDING HEALTH CARE ITEMS OR SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1866 (42 U.S.C. 1395cc) is amended by adding at the end the following new subsection:

''(j) REGISTRATION PROCEDURES AND FEES.—

''(1) REGISTRATION.—The Secretary shall establish a procedure for initial registration and periodic renewal of registration of individuals and entities that furnish items or services for which payment may be made under this title and that are not otherwise subject to provisions of this title providing for such procedures.

''(2) FEES.—

''(A) AUTHORITY TO IMPOSE FEES.—The Secretary shall impose—

''(i) fees for initial agreements with providers of services and initial registrations of other entities and individuals that furnish items or services for which payment may be made under this title, and

''(ii) annual fees to cover the costs of renewals of agreements and registrations of such individuals and entities.

''(B) ASSESSMENT OF FEES.—

''(i) TYPES OF FEES.—

''(I) INITIAL FEES.—Fee amounts assessed pursuant to subparagraph (A)(i) against a member of a class of individuals or entities shall not exceed the Secretary's reasonable estimate of the average cost of initiating an agreement or performing an initial registration for an individual or entity in such class.

''(II) RENEWAL FEES.—Fee amounts assessed pursuant to subparagraph (A)(ii) against members of a class of individuals or entities shall not exceed the amount which the Secretary reasonably estimates will generate total revenues sufficient to cover total annual costs of performing such renewals with respect to such class.

''(ii) REDUCTION OR WAIVER OF FEES.—The Secretary may reduce or waive the fees under this paragraph in exceptional circumstances which the Secretary determines to be in the public interest.

''(C) COLLECTION AND CREDITING OF FEES.—

''(i) INITIAL FEES.—Fees assessed pursuant to subparagraph (A)(i) against an individual or entity shall be payable upon application for billing privileges under the program under this title (and shall apply whether or not the Secretary approves such application) and shall be credited to the Health Care Financing Administration Program Management Account.

''(ii) RENEWAL FEES.—Fees assessed pursuant to subparagraph (A)(ii) against an individual or entity shall be payable annually and may be deducted from amounts otherwise payable from a Trust Fund under this title to such individual or entity. Such fees shall be credited to the Health Care Financing Administration Program Management Account.

''(iii) OFFSET.—Any amount of fees collected in a fiscal year under this paragraph that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriation Acts.

''(D) AVAILABILITY OF FEES.—Fees authorized under this paragraph shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to be appropriated to remain available until expended for necessary expenses related to initiating and renewing such agreements and registrations, including costs of establishing and maintaining procedures and records systems; processing applications; background investigations; renewal of billing privileges; and reverification of eligibility.

''(E) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this paragraph as an allowable item on a cost report under this title or title XIX.''; and

(b) CLERICAL AMENDMENT.—The heading of section 1866 (42 U.S.C. 1395cc) is amended by inserting ''AND REGISTRATION OF OTHER PERSONS FURNISHING SERVICES'' after ''PROVIDERS OF SERVICES''.

SEC. 736. FEES FOR PROCESSING CLAIMS.

(a) IN GENERAL.—Title XVIII (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

''FEES FOR PROCESSING CLAIMS

''SEC. 1897. (a) AUTHORITY TO IMPOSE FEES.—

''(1) IN GENERAL.—Subject to subsection (b), each claim described in paragraph (2) submitted by an individual or entity furnishing items or services for which payment may be made under this title is subject to a processing fee of $1.

''(2) CLAIMS SUBJECT TO FEE.—A claim under part A or B of this title is subject to the fee specified in paragraph (1) if it—

''(A) duplicates, in whole or in part, another claim submitted by the same individual or entity;

''(B) is a claim that cannot be processed and must, in accordance with the Secretary's instructions, be returned by the fiscal intermediary or carrier to the individual or entity for completion; or

''(C) is not submitted electronically by an individual or entity or the authorized billing agent of such individual or entity.

''(b) COLLECTION, CREDITING, AND AVAILABILITY OF FEES.—

''(1) DEDUCTION FROM TRUST FUND.—The Secretary shall deduct any fees assessed pursuant to subsection (a) against an individual or entity from amounts otherwise payable from a Trust Fund under this title to such individual or entity, and shall transfer the amount so deducted from such Trust Fund to the Health Care Financing Administration Program Management Account.

''(2) OFFSET.—Any amount of fees collected in a fiscal year under this section that exceeds the amount of such fees available for expenditure in such fiscal year, as specified in appropriation Acts, shall be credited to the Health Care Financing Administration Program Management Account, and shall be available for obligation in subsequent fiscal years to the extent provided in subsequent appropriation Acts.

''(3) AVAILABILITY.—Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to be appropriated to remain available until expended for the costs of the activities for which they were assessed.

''(c) WAIVER OF CERTAIN FEES.—The Secretary may waive fees for claims described in subsection (a)(2)(C) in cases of such compelling circumstances as the Secretary may determine.

''(d) TREATMENT OF FEES FOR PURPOSES OF COST REPORTS.—An entity may not include a fee assessed pursuant to this section as an allowable item on a cost report under this title or title XIX.''.

(b) CONFORMING AMENDMENT.—Section 1842(c)(4) (42 U.S.C. 1395u(c)(4)) is amended by striking ''Neither a carrier'' and inserting ''Except as provided in section 1897, neither a carrier''.

(c) EFFECTIVE DATE.—The amendments made by this section are effective 180 days after the date of enactment of this part.

SEC. 737. REPEAL OF PROVISION RELATED TO SELECTION OF REGIONAL LABORATORY CARRIERS.

Section 4554(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395u note) is repealed.

SEC. 738. AUTHORITY TO ISSUE INTERIM FINAL REGULATIONS.

The Secretary may issue any regulations needed to implement amendments made by this subtitle as interim final regulations.

Subtitle H—Transportation

PART I—FEDERAL AVIATION ADMINISTRATION COST-BASED USER FEES

SEC. 811. FEDERAL AVIATION ADMINISTRATION COST-BASED USER FEES.

(a) Chapter 453 of title 49, United States Code, is amended by adding at the end the following:

''§ 45305. Transitional fees for users of air traffic control services

''(a) AUTHORITY TO ESTABLISH FEES.—

''(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish a schedule of new fees, and a collection process for such fees, to be paid by operators described in paragraph (4) for air traffic control services provided by the the Administration.

''(2) DURATION OF EFFECT.—Fees established under this section shall be effective until the Administrator adopts a permanent schedule of fees for air traffic control services.

''(3) AMOUNT OF FEES.—Fees authorized under this section shall reflect, based on cost

accounting principles, the full cost of providing air traffic control services, including costs associated with research, engineering, development, operation, maintenance, and depreciation of air traffic control facilities and infrastructure.

''(4) PERSONS SUBJECT TO FEES.—The following operators shall be subject to fees established under this section:

''(A) Persons holding certificates under part 119 of title 14, Code of Federal Regulations.

''(B) Persons holding certificates to operate an aircraft for compensation or hire under part 125 of title 14, Code of Federal Regulations.

''(C) Foreign air carriers directly providing air transportation.

''(b) ISSUANCE OF REGULATIONS.—

''(1) INTERIM FINAL RULE.—

''(A) PUBLICATION.—Not later than September 30, 1999, the Administrator shall publish in the Federal Register an interim final rule establishing an initial schedule of fees authorized under this section and describing the collection process for such fees.

''(B) CONSULTATION.—Before publishing a rule under subparagraph (A), the Administrator shall consult with interested operators who may be subject to the rule.

''(2) FINAL RULE.—After the Administrator receives public comment on the interim final rule, the Administrator shall issue a final rule as early as is practicable.

''(c) DEPOSIT OF FEES.—Fees collected under this section shall be deposited in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).

''(d) REDUCTION OF TAXES FOR FISCAL YEAR 2000.—If, prior to October 1, 1999, the sum of estimated receipts from fees established under this section for fiscal year 2000 and estimated receipts from excise taxes to be credited to the Airport and Airway Trust Fund for fiscal year 2000 is projected to exceed the budgetary requirements for the Federal Aviation Administration for fiscal year 2001 as shown in the Budget of the United States Government for Fiscal Year 2000, aviation excise taxes that would otherwise be applicable shall be reduced in the same manner as provided in section 45306.

''(e) AVAILABILITY OF FEES.—Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended.

''SEC. 45306. ADJUSTMENT OF CERTAIN AVIATION EXCISE TAXES.

''(a) IN GENERAL.—On the date on which the Budget of the United States Government is transmitted to Congress in 2000, and on that date on each year thereafter, if the sum of revenue from fees projected to be collected under section 45305 and subchapter II of this title in the upcoming fiscal year and amounts equivalent to excise taxes projected to be credited to the Airport and Airway Trust Fund in that fiscal year does not equal the budgetary requirements for the Federal Aviation Administration for the succeeding year, as shown in the Budget of the United States Government for the upcoming fiscal year, aviation excise taxes that would otherwise be imposed in the upcoming fiscal year shall be adjusted as follows:

''(1) PASSENGER TICKET TAX.—The rate of tax imposed under section 4261(a) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(a)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(2) INTERNATIONAL ARRIVALS AND DEPARTURES.—The rate of tax imposed under section 4261(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(c)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(3) AIR CARGO.—The rate of tax imposed under section 4271 of the Internal Revenue Code of 1986 (26 U.S.C. 4271) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(4) DOMESTIC PASSENGER FLIGHT SEGMENTS.—The rate of tax imposed under section 4261(b) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(b)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(5) PASSENGER TICKET TAX FOR RURAL AIRPORTS.—The rate of tax imposed under section 4261(e)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(e)(1)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(6) FREQUENT FLYER TAX.—The rate of tax imposed under section 4261(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 4261(e)(3)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(7) COMMERCIAL AVIATION FUEL TAX.—The rate of tax not exempted under section 4092(b)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 4092(b)(2)) is adjusted pursuant to the calculation made for each fiscal year under subsection (b) of this section.

''(b) ADJUSTMENTS BY THE SECRETARY OF THE TREASURY.—On the date on which the Budget of the United States Government is transmitted to Congress in 2000, and on that date in each year thereafter, the Secretary of the Treasury, in consultation with the Secretary of Transportation, shall calculate a percent figure for the upcoming fiscal year as follows:

''(1) ESTIMATE OF BUDGETARY REQUIREMENTS.—The Secretary of the Treasury shall estimate the budgetary requirements for the Federal Aviation Administration for the upcoming fiscal year based on the budget of the United States Government.

''(2) ESTIMATE OF FEES.—The Secretary of the Treasury shall estimate the amount of user fees imposed under section 45305 to be collected for the upcoming fiscal year.

''(3) ESTIMATE OF TAX REVENUES.—The Secretary of the Treasury shall estimate the receipts in the upcoming fiscal year from taxes that, but for this section, would be imposed under sections 4261(a) (relating to the passenger tickets), 4261(c) (relating to international arrivals and departures), 4271 (relating to transportation of property), 4261(b) (domestic passenger flight segments), 4261(e)(1) (relating to passenger tickets for rural airports), and 4261(e)(3) (relating to frequent flyer programs) of the Internal Revenue Code of 1986.

''(4) CALCULATION OF ACTUAL RESOURCES.—On the date on which the Budget of the United States Government is transmitted to Congress in 2002, and on that date in each year thereafter, the Secretary of Treasury shall calculate the amount that actual budget resources, in the fiscal year that is one year earlier than the current year, and user fee and tax receipts credited to the Airport and Airway Trust Fund, in the fiscal year that is two years earlier than the current year, varied from the amounts projected in the calculation previously made for the fiscal year that is two years earlier than the current year under this subsection or section 45305(d). The resulting positive or negative amount is added to the estimated amount calculated under paragraph (3).

''(5) CALCULATION OF ADJUSTMENTS.—The Secretary of the Treasury shall subtract the amount calculated under paragraph (2) from the amount calculated under paragraph (1) and divide that result by the amount calculated under paragraph (3), after any adjustment under paragraph (4). If the result is less than 1, subtract the resulting percentage from 100 percent. The percent that taxes are to be reduced for the upcoming fiscal year under subsection (a) is the result of this calculation. If the result is greater than 1, subtract 1 from the result. The percent that taxes are to be increased for the upcoming fiscal year under subsection (a) is the result of this calculation.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 453 is amended by inserting at the end the following:

''45305. Transitional fee for users of air traffic control services.
''45306. Adjustment of certain aviation excise taxes.''.

PART II—COAST GUARD VESSEL NAVIGATION ASSISTANCE FEE

SEC. 821. COAST GUARD VESSEL NAVIGATIONAL ASSISTANCE FEE.

(a) IN GENERAL.—Section 2110 of title 46, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

''(b)(1) Commencing in fiscal year 2000, the Secretary may establish, adjust, assess, and collect annual fees or charges to recover a portion of the costs of navigation services provided to commercial vessels by the Coast Guard. The fees or charges shall be collected from the owner or operator of each commercial vessel that is operated on the navigable waters of the United States.

''(2) Fees authorized under this subsection shall be available for obligation only to the extent and in the amount provided in advance in appropriation Acts.

''(3) From amounts collected pursuant to paragraph (1), there are authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating, to remain available until expended and ascribed to the Coast Guard, such sums as may be necessary for fiscal year 2000 and for each fiscal year thereafter.

''(4)(A) Fees authorized under this subsection may vary or be allocated to reflect the costs of navigation services provided to different classifications of commercial vessels or vessel owners or operators, taking into account factors such as the type of navigation services made available; type, size, and capacity of the vessel; type and amount of cargo carried; type of port or region; economic efficiency; fair distribution of common costs; and other factors the Secretary considers appropriate. The total of fees or charges imposed shall not exceed the total costs of navigation services used or usable by all vessel classifications combined, including the costs of administering, collecting, and enforcing the fees.

''(B) Fees authorized under this subsection—

''(i) may be waived or reduced by the Secretary, if in the public interest; and

''(ii) shall be subject to the limitations prescribed in paragraphs (3) through (5) of subsection (a) of this section.

''(5) Notwithstanding sections 553(b) and 553(c) of title 5, the Secretary shall prescribe by interim final rule an initial schedule of fees and the procedures for payment and collection, which shall be effective without the necessity for consideration of comments received. However, public comment on the interim final rule shall be sought and considered before a final rule is promulgated.

''(6) In this subsection—

''(A) 'commercial vessel' means a vessel used in transporting goods or individuals by water for compensation or hire or in the business of the owner, lessee, or operator of the vessel, but does not include a public vessel, a vessel deemed to be a public vessel under section 827 of title 14, a recreational vessel, a ferry, or a fishing vessel; and

''(B) 'navigation services' means activities and facilities used to make available or provide placement and maintenance of buoys and other short-range aids to navigation, vessel traffic services, radio and satellite navigation systems, waterways regulation, or other services that facilitate navigation of commercial vessels, as determined by the Secretary.'';

(2) in subsection (e) by inserting after ''violation'' the following: '', except that in the case of a fee or charge established under subsection (b) of this section, the civil penalty shall be not less than twice the amount of the fee or charge due under subsection (b)'';

(3) in subsection (h) by inserting after ''section'' the following: ''(except those collected pursuant to subsection (b)(1) of this section)''; and

(4) in subsection (k) by inserting after the first sentence the following: ''This subsection does not apply to a regulation that would promulgate a user fee specifically authorized by law after November 13, 1998.''.

(b) EFFECTIVE DATE OF FEES.—No fee shall be collected under the amendments made by subsection (a) until 30 days after the effective date of interim final regulations promulgated pursuant to those amendments.

PART III—HAZARDOUS MATERIALS TRANSPORTATION SAFETY FEES

SEC. 831. HAZARDOUS MATERIALS TRANSPORTATION SAFETY FEES.

Section 5108 of title 49, United States Code, is amended—

(1) by striking subsection (b)(1)(C) and inserting the following:

''(C) each State in which the person carries out any of the activities.'';

(2) by striking subsection (c) and inserting the following:

''(c) FILING SCHEDULE.—Each person required to file a registration statement under subsection (a) of this section shall file that statement in accordance with regulations issued by the Secretary.'';

(3) in subsection (g)(1), by striking ''may'' and inserting ''shall'';

(4) in subsection (g)(2)(A), by striking ''$250 but not more than $5,000'' and inserting ''$500'';

(5) in subsection (g)(2)(A), by striking ''subparagraph (B)'' and inserting ''subparagraph (E)'';

(6) in subsection (g)(2)(A)(viii), by striking ''sections 5108(g)(2), 5115, and 5116'' and inserting ''chapter 51 (except sections 5109, 5112, and 5119)'';

(7) by striking subsections (g)(2)(B) and (g)(2)(C) and inserting the following:

''(B) At the beginning of each fiscal year, the Secretary shall publish a fee schedule for the fee established under this paragraph. The fee schedule shall be designed to collect the following amounts:

''(i) Amounts authorized for that fiscal year, from amounts in the account established under section 5116(i), to carry out sections 5116(a), 5116(i), and 5116(j).

''(ii) Amounts appropriated to the Research and Special Programs Administration (RSPA) for that fiscal year from amounts collected under subsection (g)(2)(B)(ii).

''(iii) Amounts appropriated to RSPA for that fiscal year, from amounts in the account established under section 5116(i), to carry out sections 5107(e) and 5115.

''(iv) Amounts authorized for that fiscal year, from amounts in the account established under section 5116(i), for publication and distribution of the North American Emergency Response Guidebook.

''(C) The Secretary shall transfer to the Secretary of the Treasury all funds received by the Secretary under this paragraph, except the amounts appropriated to RSPA from amounts collected under subsection (g)(2)(B)(ii), for deposit in the account the Secretary of the Treasury established under section 5116(i).

''(D) Fees authorized under subsection (g)(2)(B)(ii) shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to remain available until expended.

''(E) The Secretary shall adjust the amount collected under subsection (g)(2)(B) to reflect any unexpended balance in the account established under section 5116(i). However, the Secretary is not required to refund any fee collected under this paragraph.''; and

(8) in subsection (i)(2)(B), by striking ''State,'' and inserting ''State, an Indian tribe,''.

PART IV—COMMERCIAL ACCIDENT INVESTIGATION FEES

SEC. 841. COMMERCIAL ACCIDENT INVESTIGATION USER FEES.

(a) IN GENERAL.—Chapter 11 of title 49, United States Code, is amended by adding at the end the following:

''§ 1120. Commercial accident investigation fees

''(a) IN GENERAL.—

''(1) AUTHORITY.—A fee for service to offset, on an annual basis and to the extent provided in this subsection, the costs of investigation of commercial transportation accidents and incidents, may be collected by the United States Government as specified in this section.

''(2) USE AND AVAILABLITY.—Except as provided under paragraph (4), fees authorized under this section shall be available for obligation, to remain available until expended, only to the extent and in the amount provided in advance in appropriations Acts for the investigation by the National Transportation Safety Board of accidents involving air, ocean and inland waterways, and rail carriers.

''(3) DEPOSIT.—Each fee collected under this section shall be deposited as an offsetting collection to the account that is the source of funds used to pay the costs of accident investigations.

''(4) EXCESS AMOUNTS.—Notwithstanding paragraphs (2) and (3), amounts collected under this section that exceed $10,000,000 in any fiscal year shall be transferred to the emergency fund established under section 1118(b), and shall be available until expended for unforeseen costs attributable to investigations by the National Transportation Safety Board of extraordinary accidents involving air, ocean and inland waterways, and rail carriers.

''(b) AIRCRAFT ACCIDENT INVESTIGATION FEE.—To the extent that a fee for service is newly imposed on the operation of a commercial aircraft in United States airspace (or on a flight segment to or from the United States) by the Administrator of the Federal Aviation Administration after September 30, 1999, the amount of the fee shall, in fiscal year 2000 and each succeeding fiscal year in which the fee is imposed, be automatically increased under the authority of this section by a pro rata amount that allocates over the total fees imposed on an aircraft for the fiscal year, the amount that is equivalent to the revenue hours of service of the aircraft in United States airspace (or on a flight segment to or from the United States) during the fiscal year, multiplied by $00.60.

''(c) RAILROAD ACCIDENT INVESTIGATION FEE.—To the extent that a fee for service is newly imposed on the operation of a rail carrier, as defined in section 10102 of this title, by the Secretary of Transportation after September 30, 1999, the amount of the fee shall, in fiscal year 2000 and each succeeding fiscal year in which the fee is imposed, be automatically increased under the authority of this section by a pro rata amount that allocates over the total fees imposed on the rail carrier for the fiscal year, the amount that is equivalent to the number of train miles of the rail carrier for the fiscal year, multiplied by $00.00313.

''(d) COMMERCIAL VESSEL ACCIDENT INVESTIGATION FEE.—To the extent that a fee for service is newly imposed by statute on the use of port facilities at harbors within the United States by commercial vessels after September 30, 1999, the amount of the fee shall, in fiscal year 2000 and each succeeding fiscal year in which the fee is imposed, be automatically increased under the authority of this section by a pro rata amount that allocates over the total fees imposed on the commercial vessel for the fiscal year, the amount this is equivalent to the number of vessel movements of the vessel during the fiscal year, multiplied by $00.09.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 11 of title 49, United States Code, is amended by inserting at the end the following:

''1120. Commercial accident investigation user fees.''.

PART V—SURFACE TRANSPORTATION BOARD USER FEES

SEC. 851. SURFACE TRANSPORTATION BOARD USER FEES.

Section 705 of title 49, United States Code, is amended—

(1) by inserting ''(a) AUTHORIZATIONS.—'' before ''There'' at the beginning of the section;

(2) by striking ''and'' at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(4) by adding after paragraph (3) the following:

''(4) $17,000,000 for fiscal year 2000, which shall be derived from fees collected in the fiscal year by the Board.

''(b) USER FEES AND CHARGES.—

''(1) IN GENERAL.—Beginning in fiscal year 2000, the Board is authorized to assess and collect fees and annual charges in each fiscal year in amounts equal to all of the costs incurred by the Board in that fiscal year.

''(2) AMOUNT.—The amount of fees and charges imposed by the Board under this subsection shall be computed using methods that the Board determines, by rule, to be fair and equitable.

''(3) USE AND AVAILABILITY.—Fees authorized under this section shall be available for obligation, to remain available until expended, only to the extent and in the amount provided in advance in appropriation Acts.''.

PART VI—RAIL SAFETY USER FEES

SEC. 861. RAIL SAFETY INSPECTION USER FEES.

Section 20115 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''chapter'' in the first sentence and inserting ''part''; and

(B) by amending paragraph (1) to read as follows:

''(1) shall cover the costs incurred by the Federal Railroad Administration in carrying out this part and chapter 51 of this title;'';

(2) by amending subsection (c) to read as follows:

''(c) COLLECTION, DEPOSIT, AND USE.—(1) The Secretary is authorized to impose and collect fees under this section for each fiscal year (beginning with fiscal year 2000) before the end of the fiscal year to cover the costs of carrying out this part and Federal Railroad Administration activities in connection with chapter 51 of this title.

''(2) Fees authorized under this section shall be available for obligation only to the

extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended.''; and

(3) by striking subsections (d) and (e).

TITLE II—BUDGET PROVISIONS

SEC. 2001. REDUCTION OF PREEXISTING BALANCES ON PAYGO SCORECARD.

Upon the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) reduce any balances of direct spending and receipts legislation for fiscal year 2000 under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 to zero; and

(2) treat the amount of any balances so reduced as negative discretionary budget authority and outlays for fiscal year 2000 under section 251 of such Act.

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to the rule, the gentleman from Kentucky (Mr. LEWIS) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, is this a tax bill?

The SPEAKER pro tempore. The Chair cannot construe the bill. The bill will be reported, and the Clerk will report the title of the bill.

The Chair recognizes the gentleman from Kentucky (Mr. LEWIS).

GENERAL LEAVE

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3085.

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

There was no objection.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was not too many years ago in the State of the Union message that the President said that the era of big government is over. But since that time, the President has not lived up to those remarks.

The President currently would like to see a tax increase. The President would like to spend more money than what is available. And the President has only two or three choices.

Yesterday, the President vetoed a foreign aid bill because it did not spend enough money. He wanted an extra 2 or 3 billion dollars to spend. Mr. Speaker, the money that the President wants to spend should not be taken and spent on the backs of the people less able to spend that money.

This resolution today I stand in opposition to, because the American people are spending too much of their money in tax dollars now. The average family spends 40 percent of their income in local, State, and Federal taxes. The average family spends more money in taxes than they do in food and clothing and other necessary needs.

Mr. Speaker, I oppose this resolution; and I ask that the Congress reject any more taxes and any more spending by the President of the United States.

Mr. Speaker, I yield the balance of my time to the gentleman from Nebraska (Mr. TERRY) and ask unanimous consent that he be permitted to yield further blocks of time.

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

There was no objection.

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

Mr. Speaker, I had asked earlier whether this was a tax bill. Having been privileged to serve on the tax writing committee for over 20 years, I was under the impression that revenue bills went to the Committee on Ways and Means. And if we are changing these rules and the revenue bills now come out of the Committee on Rules, there are some Democrats who have revenue bills and they just want to know which committee to go to in order to see how they can get them reported to the floor.

Now, it is my understanding that this afternoon the Republican leadership will be meeting with the President of the United States for the purpose of seeing whether or not they can negotiate some solution to the budget problems that the leadership, for lack of a better word, have found themselves with on the other side of the aisle.

I cannot possibly see how they think that bringing up a bill for the sole purpose of embarrassing the President can help them in this effort.

As I understand this bill, which comes out of the Committee on Rules, they would want to raise $100 billion over a 5-year period and say that these are the President's revenue raises.

Well, it seemed to me that if the President did have tobacco taxes and the President did have user taxes and that these were pulled out of a budget that these revenue raises must have been attached to something. In other words, the President must have said that these monies should be used to pay for prescription drugs. The President must have said that this money should be used to improve the quality of our educational system.

But no one puts together a budget and talks about raising revenue unless it is for a purpose that has not been legislated. But this is very unusual because a Member of this body has decided that he wants to raise $20 billion a year and then come to the floor and ask the House to vote against this bill.

Now, I know and have come to understand why we would want to have 13 months in a year. I have come to understand why we would want to have across-the-board cuts. I have come to understand anything that they want us to understand because they are in the leadership.

But I do hope that before this debate is over that they might be able to explain to those American people who are not legislators why, in God's name, they would attempt to say that they want to raise taxes by $20 billion a year, why would they want to attribute to the President of the United States while their leadership is supposed to meet with them, and why is it that they do not want to do anything good in this bill, such as improving the quality of education or paying for prescription drugs.

So, Mr. Speaker, I can see why this did not come through the tax writing committee because they do not intend to raise taxes, they just intend to talk about taxes. But no matter what they do, they are going to be remembered for a $792 billion tax bill. If they want to be remembered about taxes, they do not need these little gimmicks, just stick by their guns and say, surplus or not, we still support a tax cut for $792 billion.

If they do this, they do not have to go to the suspension calendar, they do not have to go to suspended rules, but they will be remembered for what they want and not just $20 billion.

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

Mr. TERRY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the recent drumbeat of criticism coming from the White House has been hard to miss. Simply put, the President does not like the fact that Congress will not go along with his tax increases to pay for new government spending.

It is disappointing that all this noise has drowned out the attention to all of these new taxes and fees the President himself has proposed, more than $19 billion for this next fiscal year and about $240 billion over the next 10 years.

I introduced this bill so Members would have the formal opportunity to express their views on the President's new taxes and fees and so instruct our leadership.

Now, in fact, the taxes and fees included in this bill are only the offsets to the President's new discretionary spending. I should also note that he has proposed other taxes on nonprofit organizations, life insurance, bond insurers, and other businesses.

Well, it is time to put up or shut up. Let me tell my colleagues some of the things that are in this bill. At a time when our hospitals and seniors are being squeezed, the President wants to charge a $1 filing fee for claims submitted to HCFA and cut services to seniors by another $1.3 billion. The President also wants to impose $504 million in new livestock, poultry, and egg inspection fees. Airline carriers and passengers would pay an additional $1.3 billion in new user fees. I can go on and on.

It is sad enough that the President vetoed the bill that would have given back taxpayers a small part of the

amount that they are overcharged to run this Federal Government. The veto, along with all of these new taxes and fees, shows the mantra of the administration is more, more taxes, more user fees, more government.

Over the next 10 years, it is a trillion-dollar swing, $792 billion in tax cuts added on with $238 billion in new taxes.

I, for one, plan to signal the appropriators that they should reject the President's new taxes and fees. If they find the President's proposals as ludicrous as I do, I urge them to vote ''no'' on this bill.

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

Mr. RANGEL. Mr. Speaker, I yield the balance of the time to the gentleman from Washington (Mr. MCDERMOTT) the senior member of the tax writing committee of the Committee on Ways and Means and also a member of the Committee on the Budget, and I ask unanimous consent that he be allowed to yield blocks of time.

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

There was no objection.

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

Mr. Speaker, I do not hold the freshmen Members who are sponsors of this legislation responsible for this. This is clearly the brilliant thinking of the leadership of the side that thought, if we turn down the Comprehensive Test Ban Treaty, everybody will think we are for America; and now they think if they can embarrass the President that somehow, when they go up to negotiate an hour or two from now, because they slapped him in the face, he will be a lot more amenable to a discussion.

Now, there is an old saying where I come from that ''you get a lot more with honey than do you with vinegar.'' And from people who have turned down Medicare reform, October 14 in The Washington Post it says, ''House leadership shelves attempt to do Medicare reform,'' for people who are doing that and then to come out here and put a bill on the floor that says to the Democrats, why do they not vote for a hundred billion dollars and give it to us to spend, I do not know who is that dumb to come up with that idea, but they ought to get them out of the leadership. Because we are not going to vote for any taxes if we do not know what it is going to be spent for.

As the gentleman from New York (Mr. RANGEL) says, when the President brought the package out here, he said, here is what I think we should spend it on and here is where we get it from. But I thank them for the opportunity to vote ''no'' on taxes. We do not often get that chance. So I thank them for their help today.

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

Mr. TERRY. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from South Carolina (Mr. DEMINT) the cosponsor of this bill.

Mr. DEMINT. Mr. Speaker, I will remind the other side that they have had a chance to vote for tax cuts and they voted against them already this year.

Mr. Speaker, as a first-year congressman, I have been amazed at how many times I had have seen the President and Vice President say one thing in front of cameras and then step away from the cameras and do the exact opposite.

When the President talked about his budget this year, he said that his first priority was to protect Social Security and Medicare. But when he sent his budget to Congress, we saw that he was spending Social Security funds on other programs and even cutting Medicare. He even proposed new taxes and fees on the American people.

Democrats and Congress joined him in talking about this great plan. So Republicans called their bluff. We put the Clinton-Gore budget on the House floor for a vote. This time the cameras saw the truth.

Only two Members of the House would vote for the President's budget. Republicans have balanced the budget and begun to pay down the public debt without spending one dime of Social Security and Medicare money this year, and we are going to secure the future for every American by doing the same thing next year and every year after that that Americans allow us to lead this Congress.

But the President, Vice President, and Democrats are at it again. They want more spending, including $4 billion more for foreign aid. Instead of reducing Washington waste, the President and Vice President have proposed $240 billion in new taxes and fees over the next 10 years to pay for more government programs.

It is time we keep the promises to our own citizens and stop taking more of their hard-earned money for more Government waste. The President is in front of the cameras again defending his spending plans, and his friends in the House are there with him.

□ 1345

We are calling their bluff again. We are putting the President's proposed tax increases on the floor for a vote today so the cameras can see the truth. I will vote ''no,'' because these taxes and fees hurt farmers, they hurt students, they hurt needy families, and they hurt all Americans.

I urge all of my colleagues to vote ''no'' on this resolution that shows what the President is really trying to do.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT) who is the ranking member on the Committee on the Budget.

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

Mr. SPRATT. I thank the gentleman for yielding me this time.

Mr. Speaker, this bill is nothing but a distraction from Congress's real work. We are 19 days from the new fiscal year and only five out of 13 appropriations bills have been signed into law. Eight remain to be enacted. But instead of doing its work, the House is wasting its time taking up this pointless bill which has no possibility of passage.

What we have before us are revenue offsets that the President proposed last February in his budget. They come to the floor under suspension, we cannot amend them, and the House is being made to vote on these offsets in total isolation from the President's proposals, his initiatives. The President offered these offsets, among other things, to defray the cost of hiring more teachers, 100,000 more teachers to reduce class size and putting more cops on the street. We do not get to vote for that, we only vote for the revenues and have no idea where they might be applied.

When you ask yourself why this bill under these procedures is being brought up, you can only conclude this is a red herring. It is offered to draw attention from the fact that CBO has said that when you back all the gimmicks out of the bill before us, the majority has already spent more than the discretionary spending caps allow and in fact is $23.8 billion into the Social Security surplus. To get around this problem, they have proposed some offsets of their own. For example, they proposed a $3 billion hit on the TANF fund, but the Republican governors protested and it was quickly dropped.

Then they proposed to pass the DeLay amendment, $9 billion. It took a hit on working families with children, stretched out their earned income tax payments, and it met with instant rebuke from none other than the Republicans' own likely presidential nominee, Mr. Bush. Governor Bush said, ''You're trying to balance the budget on the backs of poor people.''

Now they are talking about across-the-board cuts. But to raise $23.8 billion in across-the-board cuts, they would have to cut across the board 6.6 percent.

Unless we want to spend the rest of this month in pointless bills like this, we need to put aside our differences and work together to bridge this gulf. The President has invited the congressional leadership to the White House today to discuss ways to break this deadlock. The meeting will take place tonight and it is a welcome first step. But this is no way to begin the process of getting together on something that has to be done.

Mr. TERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman bringing this resolution to show the truth to the American people, the real truth in real terms, not the numbers that we just heard that are not real numbers. They

are concocted numbers by the Democrats because they have nothing to offer except higher taxes and more spending and they want to spend the Social Security surplus.

The President himself at the first of this year said that he wanted to spend 40 percent of the Social Security surplus. In the last few days he has come off of that. That is good. We welcome the President coming our way. But he will not come off of his new taxes. He has schemes to raise new taxes that we just heard. They either call them offsets or tough choices.

Not surprisingly, the President wants to increase spending. So the administration has concocted a laundry list of new taxes and user fees of all kinds to cover some of it. Tough choices, they say.

This taxing and spending has to stop. The American people want it stopped. Tough decisions need to be made to restrain spending, not increase it. The demagogues on the left, Mr. Speaker, always like to claim that Republican legislation hurts the poor, but overtaxation is one of the main factors that prevents the working poor from moving up. We must not add to the burden already on the backs of working Americans.

We have surpluses. Can we not restrain ourselves to just spend the surpluses? But that is not good enough. They want more spending, above the surpluses, and they want to raise taxes to pay for it. Surpluses mean overtaxation. That means the American people are paying more than we need to run the government.

Mr. Speaker, Americans need tax cuts, not tax hikes. I urge all of my colleagues to vote against these outrageous tax increases on the American people.

Mr. MCDERMOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the leader of the Democratic side.

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

Mr. GEPHARDT. Mr. Speaker, this is not a serious attempt to resolve the budget which we should be doing. It is frankly a stunt. It is another gimmick. It is another way to not address the serious issues that are before us.

The Republicans say that the Republican budget does not spend Social Security. The Congressional Budget Office already says that at least $14 billion we are into Social Security under the Republican-passed appropriation bills. If we take out the unfair earned income credit proposal, it is over $20 billion that we have already gone into Social Security funds under the Republican-passed appropriation bills.

The President did have tax increases in his budget, offsets, whatever we want to call them. They were within an integrated budget. That budget did not pass the House. We are operating under a budget passed by the Republicans. The Republicans say that they pledged never to raise taxes, they pledged never to spend Social Security money. It has already been done in the bills that have been passed. I am even told there are ads running in districts saying that the Democrats somehow did this.

It is time to stop the stunts. It is time to stop the gimmicks. It is time to stop trying to say that we are doing something or not doing something that we are doing. We all know the budget issues. There are answers to these problems that we can reach on a bipartisan basis. There is going to be a meeting this afternoon in the White House. Maybe the beginning of that discussion can go on.

What we owe the American people is honesty, what we owe the American people is a budget that saves Social Security, that puts money into Medicare which is needed, which takes care of education, which takes care of the 100,000 police that we so desperately need in every community. These are the issues that we should be addressing.

If we were serious about addressing the budget, a proposal like this one on the floor today would have gone through committee, would have been related to an entire budget and would have been a part of a new budget that we would be bringing to the floor today because the budget we passed cannot be implemented in the way we thought it was going to be implemented.

So let us stop the stunts. Let us stop the gimmicks. Vote against this proposal. Let us get down to work. Let us go to the White House today and sit down and see if we can work this out and make sense of it. Working in a bipartisan way and in an honest way with the American people, we ought to be able to get this done.

Mr. TERRY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCKEON), chairman of the Subcommittee on Postsecondary Education, Training and Life-Long Learning.

Mr. MCKEON. Mr. Speaker, last fall the President signed the Higher Education Amendments of 1998 into law after overwhelming bipartisan votes in both the House and the Senate. Three months later in their budget submission, the administration was back proposing deep cuts in the student loan program designed to jeopardize the lender-based Federal family education loan program.

Lenders, in cooperation with guaranty agencies, have served students, families and institutions for 30 years. They currently provide $25 billion annually for new student loans. This represents 70 percent of all student loans made each year. The administration's proposal to recall all the remaining reserve funds held by guaranty agencies does nothing more than severely hamper the ability of these agencies to provide quality services to students and their families as well as institutions of higher education and lenders participating in the program. At the same time, it gives the Department of Education more money to spend on promoting the direct student loan program and other initiatives of the President that are not supported by a majority of the Congress.

The Balanced Budget Act of 1997 and the Higher Education Amendments of 1998 included the recall of more than one-half the reserve funds held by the guaranty agencies. The remaining reserve funds may only be used for the payment of insurance claims filed by lenders in the event a student fails to pay his or her student loan.

I believe that allowing guaranty agencies to retain some reserve funds is a prudent course of action. Lenders are not going to invest the $25 billion annually if they have concerns about being paid in a timely fashion when a student fails to pay on a loan.

The Higher Education Amendments of 1998 included several provisions designed to promote cost effectiveness in the administration of the student loan program by lenders and guaranty agencies. In order to see results, we must give the newly restructured financing plan included in the amendments time to work. Any changes in costs or revenues as proposed by the President may cause the failure of many of these entities and then we will have a true crisis in the availability of student loans for students across the country.

I urge my colleagues to reject this offset by the administration and vote down this legislation.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

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

Mr. CARDIN. Mr. Speaker, I rise in opposition to this misguided attempt to represent the President's budget. Rather than distorting the President's budget proposal, we should be working together to find a bipartisan solution to the budget problems.

The debate over the appropriate level of discretionary spending ties into the Republican leadership's repeated promises not to threaten Social Security. But these promises fly in the face of the Congressional Budget Office analysis which shows that the Republicans have already spent tens of billions of dollars of Social Security money. They have used every accounting gimmick ever devised, and come up with a few new ones, including the infamous 13th month and designating the constitutionally-required census as an emergency. At the same time, they have criticized the President and those of us on this side of the aisle who strongly support adequate funding for education, environmental protection, housing, the Middle East peace process, and other priorities of the American people.

Yet the amount of funding under discussion on the appropriation bills is dwarfed by the great Social Security raid of 1999. That legislation, which the

Republican leadership put forward under the title the Taxpayer Refund and Relief Act, simply backed the truck up to the Treasury and emptied it. That plan to cut taxes by $792 billion over 10 years represented a severe threat to the future solvency of Social Security. Fortunately, the President vetoed the tax bill. That veto occurred a month ago, on September 23. We have had the veto message 26 days. While the majority has found time to schedule this meaningless bill this afternoon, somehow it has not found time to schedule the vote on the President's veto. The tax bill, the crown jewel of the majority's legislative agenda for the year, remains bottled up in the Committee on Ways and Means collecting dust.

After we complete this debate, I will offer a privileged motion to discharge the Committee on Ways and Means from further consideration of the tax bill. I would hope that my Republican colleagues will take this opportunity to demonstrate their newfound commitment to preserve Social Security by voting to sustain the President's veto.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. POMBO), the chairman of the Subcommittee on Livestock and Horticulture of the Committee on Agriculture.

Mr. POMBO. I thank the gentleman for yielding me this time.

Mr. Speaker, this debate is not about diversion or delay. This debate is about tough choices. We saw the President's spin machine out all weekend long talking about tough choices, but they did not want to tell people what those tough choices were. Those tough choices include a massive tax increase. One of those tax increases is a tax increase on the meat producers across this country. The bulk of that $500 million tax increase is going to come out of the hide of our producers all across this country.

Now, for Members that represent farm States that have substantial livestock production in their States, they have got to know that this is going to be a tax directly on those producers. At a time when we have historic lows in prices, when we have an extremely difficult time for our livestock producers to make it, to break even on their product, we are talking about increasing their taxes.

That is one of the tough choices that the President keeps talking about. That is one of the things that he wants to lump on all of us. I think that everybody ought to have a chance to vote on that tough choice.

□ 1400

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, there are a couple of strong hints that should make people suspicious as the majority brings this bill to the floor—hints that this bill is nothing more than a cynical effort to embarrass the President.

First, we are being asked to consider the offsets from the President's budget but with no mention, no consideration, of the funding priorities for which the President proposed the offsets in the first place. Priorities like extending the solvency of Social Security and Medicare, providing the resources to hire new police officers and new teachers, and funding to allow States and localities to preserve land for conservation or recreation.

The second hint that this bill is a farce and an attempt to distract us from the real issues is apparent when we consider what our Republican friends are not saying, in fact what they are studiously avoiding mentioning, namely, the spending offsets that they have themselves proposed.

First, remember, they proposed taking away $3 billion dollars in TANF funds, funds dedicated to moving people off of welfare and on to work, but the Republican governors objected, so they backed off from that.

Then they engineered the passage in the Appropriations Committee of an amendment to delay the payments of earned income tax credit benefits to the working poor. This was nothing less than a tax increase on the working poor, people who work hard every day and struggle to make ends meet. Governor George W. Bush objected to that, you will recall, so they now have pulled that proposal back.

And now our Republican friends are talking about across-the-board spending cuts to appropriations bills. They need to find $23 billion in savings. That would require 6.6 percent across the board cuts in all programs, for example $18.2 billion in defense and $1.4 billion in veterans health care, and even more if we exempt those categories, so that cuts in Head Start, health research, education, environmental protection, and other critical programs would be even deeper.

Instead of today's cynical effort to embarrass the President, the majority should be working with the minority to produce conference reports on the remaining appropriations bills which can gain bipartisan support and be signed into law by the President. We did it with the VA–HUD appropriations bill; there is no reason why we cannot do it with these remaining appropriations bills.

We need to stop the political grandstanding, and we need to deal honestly and in good faith with the fiscal situation that our country faces.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank my colleague from Nebraska for yielding this time to me.

Mr. Speaker, when one considers the overall context of the Federal budget in our national economy, it is really just incredible that the President wants to raise taxes.

First of all, Federal spending is higher than it has ever been. Thus, government is bigger than it has ever been. Federal taxes are higher than they have ever been in peace time, consuming almost 21 percent of our Nation's entire economic output, and even after we set aside all of the Social Security funds for Social Security and for retiring the debt, we still have unprecedented surpluses projected as far as the eye can see.

Now when taxpayers are paying more than it takes to fund the biggest Federal Government in history, when paying more than it takes to retire $2 trillion in debt; in fact, paying a trillion dollars more over the next 10 years than it takes to do all of that, Mr. Speaker, it is obvious to me that taxes are too high. For the President to propose adding to this record high tax burden is frankly outrageous.

We need to lower taxes and restore to working Americans the freedom to decide how they want to spend their own money, not raise their taxes.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the American public is crying out to the majority: stop the posturing. They want production when it comes to the budget, not more politics; and the Republican majority here simply has not produced.

As my colleagues know, there is something unreal about all this. We are 3 weeks into a new fiscal year, and they are still stuck in the mud on appropriations bills.

This particular legislation is a smoke screen. It is an effort to hide, first of all, their ineptitude; secondly, the fact that they, the Republican majority, has already, already incurred into Social Security funds is also a smoke screen to attempt to hide their inability to act on key issues, education, Social Security reform, Medicare.

The public can see through this smoke screen, and they can spend ten millions of dollars on television, and it will not work. There are three words that I think apply to them in this bill: stop the posturing.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding this time to me; and, Mr. Speaker, I also rise in opposition to H.R. 3085, and I disagree somewhat with the tenor of what we have heard here today. The way I look at it, there are two ways to really balance the budget. One is we can take all our spending and try to get it down inside of the revenues which we have for that year.

The other way, and that is what Republicans are trying to do, the other way is that we can spend all the money that we have in revenues and then add more money to it. To do that we have

to have a tax increase, and that is what the President has chosen to do by a sum of $19 billion.

But I have not heard those words escape from his lips since he came in here and made that announcement about what he was doing, nor does the press ever mention that either, that basically the President cannot balance this budget unless he increases the taxes by the $19 billion.

In my judgment this is not a gimmick. It just puts it in perspective. If the minority party does not want to embarrass the President, it is simple. They can support what the President's proposal is. If they do not, then in that case they have abandoned what the President's basic budget proposals are.

I am glad there is a summit. I think it is incumbent upon the President to call that summit. He has finally done that, and I hope they can go down there and work out the problems, but hopefully without a tax increase.

We should defeat this legislation.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, earlier this week President Clinton vetoed the foreign aid appropriations bill because he wanted to spend $4 billion more overseas. The President did not say, however, where that money is to come from.

Mr. Speaker, make no mistake about it. Any increase in foreign aid will come directly from the Social Security Trust Fund.

146 days ago House Republicans and Democrats joined together to pass my legislation, H.R. 1259, the Social Security and Medicare Safe Deposit Box of 1999, by an overwhelming 416 to 12 vote. The House of Representatives has made a commitment to not spend one penny of the Social Security Trust Fund on unrelated programs.

Mr. Speaker, Republicans and Democrats must again join together and prevent President Clinton from spending Social Security funds on additional foreign aid.

Mr. MCDERMOTT. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, 19 days after the beginning of the new fiscal year, I have just one question for my Republican colleagues: Where is the Republican secret budget plan? I cannot find it anywhere. I cannot find it in the seats on the floor of the House. I visited committee rooms; I cannot find the secret budget plan of the Republicans there. I have asked some of the pages. They do not seem to know where it is. I have asked my Democratic colleagues. They have not seen the Republican budget plan, the secret plan they have to balance the budget without using Social Security taxes. Maybe I should ask the FBI. I wonder if the CIA knows where the secret Republican budget plan is 19 days after the beginning of the new fiscal year. As my colleagues know, that could be a problem. It might be 25 years if the CIA has it as a classified document. Perhaps we should go up into the classified room at the top of the capitol and find the Republicans' secret plan now in mid-October.

Mr. Speaker, I would be glad to yield the rest of my time to the author if he can show me a copy of the Republicans' secret plan to balance the budget. Even if they have a nonsecret plan, I would be glad to yield the rest of my time. But if he does not have a copy of the plan, I imagine he has not seen it because nobody else has found it anywhere.

At least let me make this point. While I will vote against this resolution, I imagine the President does not even support it and the author will not support it. At least the President was honest enough to present to the American people a plan to pay for his budget. The same cannot be said of the Republicans who are running television ads that suggest they have a plan that they will not even present on the floor of this House.

Where is the secret plan?

Mr. TERRY. Mr. Speaker, we did vote on a budget.

Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

(Mr. MORAN of Kansas asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Kansas. Mr. Speaker, it is often hard to find good economic news for my constituents in Kansas. Many of them are farm families involved in farming and ranching, and with the historic low commodity prices that we are suffering through, there is not always good news.

But one of the areas of the Kansas economy that has had good news, that does provide Kansas families with jobs, is the aviation, the small general aviation industry; and it is an important segment not only of the Kansas economy but of the American economy, and part of the President's proposal to raise taxes by $240 billion is to significantly increase taxes on general aviation.

Mr. Speaker, I urge our colleagues not to adopt that proposal. It has been around a long time. It is risky; unintended consequences can occur; and our economy in Kansas and around the country can be detrimentally affected. Terrible impact upon safety, eliminating incentives for the FAA to be efficient and operate more smoothly, and significant administrative costs to administer this new tax scheme of $240 billion.

Mr. Speaker, I urge rejection. Protect the industry that is providing jobs in my State.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, there have been some people saying on the floor here that this is a cynical effort to embarrass the President. Well, if the President's own proposal is an embarrassment to him, so be it.

I will tell my colleagues one thing that is absolutely cynical as a representative from a farm State in Iowa where we have a tremendous amount of livestock producers is the fact that the President has three additional taxes that he is putting on farmers at a time when they are in desperate needs, and he is sitting down here with an appropriations bill on his desk and will not sign it to help the farmers.

First of all, he has got a $9 million new fee for livestock producers, then he has got a $19 million new fee to be paid by grain farmers who are experiencing the lowest prices in history, and then, to top it off, the icing on the cake is a $504 million tax increase on pork producers and cattlemen and poultry producers, to come right out of their hides at a time of record low prices. It is cynical of the President to try and put our farmers out of business with these new taxes.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, I rise to oppose this irresponsible and unnecessary package of tax increases on the American public. In an era of budget surpluses and fiscal restraint, the President's proposal to raise taxes in order to increase spending is just wrong for America. In addition to raising taxes on lower income people throughout the country, this proposed set of initiatives that we are debating today institutes a new tax on ships calling on United States ports. For the first time the President would place the entire financial burden for harbor maintenance on commercial vessel operators. In Washington State this new tax would devastate the ports of Tacoma and Seattle, would cause vessels to go to Canada or Mexico to unload their goods. In our State nearly one out of three jobs is linked directly to international trade. But implementing the President's new harbor maintenance tax would cripple our trade economy by making our ports uncompetitive when compared to nearby foreign ports.

Mr. Speaker, the American people are already overtaxed. I urge my colleagues to reject these Clinton tax increases.

Mr. TERRY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, here we go again, another tax-and-spend proposal from the President, 19.2 billion in additional Federal spending of course paid for by working Americans. It is primarily, of course, in the tobacco tax, 24 cents and 94 cents, roughly a 300 percent increase to get another $8 billion, and also, of course, new regulation for poultry and egg producers. And

I would say to the President that increasing taxes either for poultry or egg producers or tobacco farmers, the main point is that the President, in a $2 trillion budget, surely he could find existing agencies to reduce spending.

□ 1415

You do not have to go after people who are trying to earn their living to pay taxes. What about the Federal bureaucracy up here like the Department of Energy. You are telling me you cannot find any way to reduce the Department of Energy or the Department of Commerce. These are large agencies that have existed for many, many moons here, and I think if we look at the figures of those agencies, there surely is some waste, fraud and abuse, and some overregulation there.

So, Mr. President, I think we have to say to you, do not increase Federal spending by taxes.

Mr. TERRY. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank my friend from Nebraska for yielding me this time.

I just want to say briefly, a previous speaker on the Democrat side that it is time for both to be honest. He said the President at least was honest about it, and I do appreciate that honesty. The President has said that we ought to raise taxes and fees on the American people over a 10-year period. This proposal would be $142 billion, based on the Office of Management and Budget, of new taxes and user fees.

What is more interesting, though, is if at the same time over those 10 years, if we look at the President's fiscal year 2000 budget, he dips into the Social Security Trust Fund to the tune of $334 billion, even with those tax increases. That is being honest. We have an honest disagreement.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from Washington (Mr. MCDERMOTT) has 2 minutes remaining; the gentleman from Nebraska (Mr. TERRY) has 1 minute remaining. The gentleman from Nebraska has the right to close.

Mr. MCDERMOTT. Mr. Speaker, I would inquire of the gentleman as to how many speakers remain.

Mr. TERRY. Mr. Speaker, the gentleman from Illinois (Mr. WELLER) will use the remaining time.

Mr. MCDERMOTT. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I think there is an old principle in public relations that if one is going to tell a lie, keep telling it. Just keep saying it, keep saying it, never admit. And certainly this business that we have not used any Social Security money is simply that.

Now, unless we do not believe CBO. I mean the majority hired the director of CBO, and in a letter on the 14th said that they have spent $14 billion of Social Security money.

Now, I do not know how one can get up here and talk about this wonderful lockbox we put out here. We told our colleagues it had no bottom in it, that they were going to let the money fall through and into the budget and that is exactly what they did. But they still continue to stand up here every, every speaker has said, and we have done all of this without touching the Social Security money. That is absolutely nonsense.

The fact is that this is a cynical way of obscuring what the problem is. The President was honest when he stood up there. He put a budget up here, he paid for it, and the principle around here used to be that the President proposes and the Congress disposes.

Now, the President came up and made a proposal, but my Republican colleagues cannot get themselves together to dispose. My colleagues cannot get themselves together to put a whole package together that makes sense. So, they go around here grabbing light bulbs: They see one is out up there, they grab that, they run and put it over there; they create a thirteenth month; you do all kinds of gimmicks.

I was in the State legislature for 15 years, and I have seen all of these gimmicks. None of them are new. They have all been used in State houses all over this country. My colleagues are using gimmicks to balance this budget, they say, and they use the money from Social Security besides. And then, when they are 3 weeks late, they run out here with this nonsense.

Mr. TERRY. Mr. Speaker, I yield the balance of our time for closing to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, just in response to my friend from Washington State here, October 1, the Congressional Budget Office stated that the Republican budget that is now moving through this process, the Republican balanced budget does not touch one dime of Social Security, the first time in 30 years.

Mr. Speaker, is it true? Is it true that Bill Clinton once again wants to raise taxes? Is it true that Bill Clinton wants to raise taxes on Americans by $238 billion? I looked back earlier this year when the President proposed this budget, he not only proposed $238 billion in tax increases, but he proposed taking 62 percent of the Social Security Trust Fund for Social Security and then almost 40 percent, or 38 percent, of the Social Security Trust Fund to spend on other things. Now, the folks back home say they want the raid on Social Security to stop.

The Republicans, as we worked through the balanced budget process, have made it very clear. We oppose Bill Clinton's taxes increases; we oppose Bill Clinton's proposal to raid the Social Security Trust Fund.

I plan to vote ''no'' on Bill Clinton's $238 billion tax hike.

This House has an opportunity today. If you support the President's tax hikes, vote ''aye,'' if you oppose them, vote ''no.'' Let us take a stand.

Mr. PACKARD. Mr. Speaker, I would like to encourage my colleagues to vote against H.R. 3085, the President's tax increase and user fee proposals which includes $19.2 billion in discretionary spending offsets. This bill provides for many of the new and increased user fees that were outlined in the President's fiscal year 2000 budget.

H.R. 3085 would not only increase the tax on cigarettes, it would also establish additional Medicare premiums for early retirees and displaced workers. Any claim that these taxes are necessary to fund the government next year without touching Social Security is false. There is a non-Social Security surplus of $14 billion. Washington should be returning money to taxpayers, not increasing the tax burden on working families already struggling to make ends meet.

At a time when Americans have overpaid their taxes and Congress has worked hard to provide tax relief, there is no reason to raise taxes on any American. Mr. Speaker, it is unacceptable for the President to ask Congress to initiate targeted taxes and user fees on certain American taxpayers merely to continue to bloat Federal spending. We have a budget surplus; there is simply no reason to raise taxes. We must continue to oppose all taxes that hurt our Nation's families and continue to work to reduce the tax burden for every American.

Mr. WELDON of Florida. Mr Speaker, I rise in opposition to this bill for many reasons. This bill represents the tax increases proposed by the President in his 2000 budget. We are currently engaged in a debate with the White House over whether or not the President's billions of dollars in new Federal programs will go forward.

We have several choices in Washington. The first option is to say yes to the President's spending plan and renew the raid on the Social Security surplus to fund them. This is a nonstarter. The Republican-controlled Congress has made it clear that we will not allow Social Security to be raided.

The second option is to increase taxes and fees so that more money can be taken out of the pockets of working Americans to pay for the President's programs. This too is a nonstarter. The Republican Congress has made it clear that we believe that the Federal Government already takes enough money out of the pockets of the American people and we are committed to lowering taxes, not raising them.

The third option is to exercise fiscal discipline and set spending priorities, recognizing the reality that ''we can't have it all.'' The President doesn't see this as doable. He just cannot say no to more spending.

Mr. Speaker, today's decision is about whether or not we are going to permit the Clinton-Gore administration to raise taxes and user fees to pay for larger government. By voting this bill down, we will be sending a strong message to the President that we will not raise taxes.

There are several taxes that would be particularly harmful to my constituents that I would like to address.

With respect to Medicare, the President has proposed a host of new fees on those who provide medical services to our senior citizens. This is on top of significant curbs on reimbursements to providers that have already been implemented over the past few years. I am very concerned over new user fees the administration has proposed on Medicare+Choice plans.

Just last year more than 300,000 seniors nationwide were forced to give up their Medicare+Choice plan because the reimbursement rates were so low that providers could not afford to serve seniors.

Just last week a major Medicare+Choice plan in my congressional district was forced to raise membership fees because of lower reimbursements from Medicare. Last year every Medicare+Choice plan in Polk County in my congressional district folded because they could no longer afford to offer care to seniors because the reimbursement rates were so low. Now the administration has proposed to impose higher user fees on these plans.

This is no way to expand access and choice for seniors and will only result in fewer seniors having access to Medicare+Choice plans.

In addition the President proposes costly user fees that will be passed on to average Americans that travel on our Nation's skyways.

The 15th district of Florida has witnessed dynamic, almost explosive amounts of growth in the aviation industry. This success has not been easy. It has taken years of hard work and could easily have the rug pulled out from underneath it by new user fees (i.e., taxes) that will cause the price of flying to increase.

This issue is of such a major concern that my constituents have taken the time and energy to fly up to visit me to share their serious concerns about user fees. I have heard from scores of my constituents who work for Rockwell Collins expressing their concerns about how these user fees could harm the ability of private pilots to own and fly their own planes which would have a devastating impact on their employment and industry as a whole.

Mr. STARK. Mr. Speaker, this bill is nothing more than a cheap shot attempt to embarrass the President by getting Congress to vote against provisions included in his budget.

If that were all it was, that would be bad enough. But, the effect of the legislation is far worse.

This bill puts Congress on record voting against user fees as a source for funding Medicare's administrative costs.

At the very same time, the Republican's Labor-HHS bill guts Medicare's administrative budget by cutting more than 18 percent—or $400 million—out of it.

Medicare needs to have its administrative budget funded in order to carry out vital tasks that impact people's lives. The Republican's Labor-HHS bill would cut in half the budget needed to inspect nursing homes and hospitals. That means that people will die—literally die—in poor quality nursing homes and hospitals across the country.

So, the message delivered by this bill today is that we will not support user fees. The next message from Labor-HHS will be that Congress will not fund Medicare's administrative budget through any other means.

And the result will be that people will die due to poor quality care, that Medicare will not be able to continue to improve its ability to root out fraud and abuse (which returns 9 dollars to every dollar spent) and that Medicare improvements will not be implemented because there will not be the work force to do the job.

This vote is another political game by people uninterested in good government. It does not deserve to be on the floor of the House of Representatives today or any other day.

There is much we need to be doing to improve Medicare—this takes us the absolutely wrong direction. I urge my colleagues to join me in opposition to this senseless, spiteful legislation.

REAUTHORIZATION OF THE SUPERFUND TAXES (SEC. 511)

Mr. BOEHLERT. Mr. Speaker, I strongly oppose the reinstatement of the Superfund excise taxes and corporate environmental income tax in H.R. 3085.

The express purpose of this reinstatement of the Superfund taxes is to raise almost $13 billion of new revenues to offset billions of dollars in increases in other Federal spending.

The President's proposal has nothing to do with raising revenue to run the Superfund Program. He is proposing a 10-year authorization of the taxes, with no adjustment to reflect the fact that the Superfund Program is winding down, and has reduced funding needs.

This is exactly opposite to the position taken by the Transportation and Infrastructure Committee in H.R. 1300, the Recycle America's Land Act. In H.R. 1300, our committee stated that the Superfund taxes should be commensurate with the revenue needs for the program, may be reauthorized at a lower rate, and may decline over time.

At this time, we estimate that tax revenue needs to fund H.R. 1300 are about $6 billion over 8 years, once you take into account other revenues into the Superfund Trust Fund. The President wants to use Superfund as an excuse to raise over twice that amount.

The Transportation and Infrastructure Committee has gone on record in opposition to building up huge surpluses in the Superfund Trust Fund to be used to offset other Federal spending. The Transportation and Infrastructure Committee has gone on record in opposition to what the President is trying to accomplish by proposing a 10-year extension of the Superfund taxes that fails to take into account the declining needs of the Superfund Program.

In addition, by proposing to use the Superfund taxes as a revenue offset, the President is ensuring that Congress cannot use part of those taxes directly to support Superfund liability relief.

H.R. 1300 provides Superfund liability relief for small businesses, recyclers, and people who sent ordinary garbage to a site. But the bill does so in a responsible fashion. It pays for the liability relief through direct spending offset by Superfund taxes.

By completely divorcing the Superfund taxes from the Superfund Program, the President's proposal kills any chance to provide relief to the small businesses, recyclers, and municipalities that have been caught up in the Superfund liability nightmare.

For all of these reasons, I strongly urge you to oppose any reinstatement of the Superfund taxes outside of the context of Superfund legislation. I urge you to oppose H.R. 3085.

HARBOR SERVICES USER FEE (PART V OF SUBTITLE E)

The administration's proposal to replace part of the existing harbor maintenance fee with a new ''harbor services fee'' has been universally rejected as unfair and unsound by maritime interests. These concerns have merit.

The proposal simply replaces one questionable fee structure with another.

Its potential impacts on existing and future port development are unknown and potentially disastrous to America's trade deficit.

Furthermore, the administration proposes to expand coverage of the existing fee to cover the Federal cost of construction of port improvements, in addition to their maintenance as with the current fee. This proposal is shortsighted and fails to recognize our ports as a comprehensive, national system on which the U.S. national security and economic interests depend.

We recognize that we must address the serious problem of having the ''export'' component of the existing fee structure struck down as being unconstitutional. However, the President's proposal simply substitutes one set of problems for another.

The transportation and Infrastructure Committee intends to address this matter as expeditiously as possible; meanwhile, we should not embrace this ill-advised, potentially dangerous proposal.

The maritime transportation industry already pays over 100 different fees and assessments. If there is to be a replacement for the harbor maintenance fee, it must be thoroughly reviewed for its potential impacts, not simply thrown together as some convenient revenue-raiser.

FEDERAL AVIATION ADMINISTRATION COST-BASED USER FEES (SEC. 811)

The President's budget proposed to increase aviation user fees by $7.1 billion from FY 2000–2004.

In FY 2000 alone, this would equate to a $1.5 billion tax increase on aviation system users.

This tax increase would be on top of the significant aviation tax increase enacted just 2 years ago in the Taxpayer Relief Act of 1997.

Under the 1997 tax act, aviation users will already pay about $9.2 billion in aviation excise taxes in FY 2000 through a wide variety of taxes, including: A 7.5-percent tax on airline tickets; a $2.25 flight segment fee; a $12 international arrival and departure fee; a 6.25-percent cargo waybill tax; a noncommercial fuel tax of 19.3–21.8 cents per gallon; and a commercial fuel tax of 4.3 cents per gallon.

In addition to these taxes paid into the Airport and Airway Trust Fund, the aviation industry and its users also pay corporate and individual taxes into the general fund, which traditionally has financed the general government services that FAA provides related to aviation safety and security.

The President's proposal to increase aviation fees by $7.1 billion was made without regard to the fact that there is already a $12 billion balance of funds paid by aviation users sitting in the Airport and Airway Trust Fund. Under the President's proposal, the trust fund balance would grow to $21 billion by the end of 2004, an increase of 75 percent in just 5 years.

The increased aviation fees proposed by the President were obviously not intended to fund increased aviation spending. They were proposed instead to offset other discretionary spending on nonaviation programs.

Not only does the President's proposal charge aviation system users more and use the increased aviation fees to offset nonaviation spending, it also makes aviation users cover the entire cost of the system—even the costs that are actually imposed by military and other government aircraft that use the system but do not pay taxes.

By zeroing out the general fund share of the Federal Aviation Administration's budget, the President's proposal makes aviation travelers foot the bill for aviation activities that benefit society as a whole.

The President's aviation user fee proposal is highly unfair to aviation users, and it should be rejected.

COAST GUARD VESSEL NAVIGATIONAL ASSISTANCE FEE (SEC. 821)

The President's proposal to charge ''user fees'' to vessel operators for navigational assistance is simply another ''revenue raiser'', or tax, and not a true user fee.

Furthermore, section 207 of the Coast Guard Authorization Act of 1998, signed into law by the President last November, prohibits any new maritime user fee through September 30, 2001.

Despite the statutory prohibition against his proposal, the President assumed collection of $41 million in fiscal year 2000 from maritime user fees.

RAIL SAFETY INSPECTION USER FEES (SEC. 861)

Administration proposal for full offset of Federal Railroad Administration costs ($87 million in FY 2000) is a rewarmed version of a law Congress specifically refused to extend in 1995 because of its unfairness and serious economic damage to smaller railroads.

Extensive hearing record before the Transportation and Infrastructure Committee showed that some small railroads were paying up to 17 percent of net income in user fees to support the Federal Railroad Administration; the administration's proposal to reinstate and expand these fees in very unfriendly to small business.

Other forms of transport do not pay the full cost of safety enforcement activities through user fees; these fees would not cover just enforcement, but even activities such as R&D.

SURFACE TRANSPORTATION BOARD USER FEES (SEC. 851)

This proposal would require full offset of STB's $17 million budget through ''user fees.'' But who are the ''users''? The administration proposal does not even attempt to identify who would pay the fees: the railroads, the truckers, any shipper who does file a complaint, any shipper who might file a complaint? there is also no standard for setting the fees, other than being ''fair and equitable.'' In all probability, this proposal would be found unconstitutional for excessive delegation and/or vagueness.

STB already offsets several million dollars of its costs through existing title 31 fees, such as for filing proceedings at the Agency. These have been increased substantially in recent years, resulting in numerous complaints from shippers about the excessive costs and deterrent effect on utilizing remedies at the STB. The administration proposal would necessarily increase the overall fee burden to over 5 times its present level.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Kentucky (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 3085, as amended.

The question was taken.

Mr. TERRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 0, nays 419, answered ''present'' 5, not voting 9, as follows:

[Roll No. 511]

NAYS—419

Abercrombie	Dicks	Kanjorski
Ackerman	Dingell	Kaptur
Aderholt	Dixon	Kasich
Allen	Doggett	Kelly
Andrews	Dooley	Kennedy
Archer	Doolittle	Kildee
Armey	Doyle	Kilpatrick
Bachus	Dreier	Kind (WI)
Baird	Duncan	King (NY)
Baker	Dunn	Kingston
Baldacci	Edwards	Kleczka
Baldwin	Ehlers	Klink
Ballenger	Ehrlich	Knollenberg
Barcia	Emerson	Kolbe
Barr	Engel	Kucinich
Barrett (NE)	English	Kuykendall
Barrett (WI)	Eshoo	LaFalce
Bartlett	Etheridge	LaHood
Barton	Evans	Lampson
Bass	Everett	Lantos
Bateman	Ewing	Largent
Becerra	Farr	Larson
Bentsen	Fattah	Latham
Bereuter	Filner	LaTourette
Berkley	Fletcher	Lazio
Berry	Foley	Leach
Biggert	Forbes	Lee
Bilbray	Ford	Levin
Bilirakis	Fossella	Lewis (CA)
Bishop	Fowler	Lewis (KY)
Blagojevich	Franks (NJ)	Linder
Bliley	Frelinghuysen	Lipinski
Blunt	Frost	LoBiondo
Boehlert	Gallegly	Lofgren
Boehner	Ganske	Lowey
Bonilla	Gejdenson	Lucas (KY)
Bonior	Gekas	Lucas (OK)
Bono	Gephardt	Luther
Borski	Gibbons	Maloney (CT)
Boswell	Gilchrest	Maloney (NY)
Boucher	Gillmor	Manzullo
Boyd	Gilman	Markey
Brady (PA)	Gonzalez	Mascara
Brady (TX)	Goode	Matsui
Brown (FL)	Goodlatte	McCarthy (MO)
Brown (OH)	Goodling	McCarthy (NY)
Bryant	Gordon	McCollum
Burr	Goss	McCrery
Burton	Graham	McDermott
Callahan	Granger	McGovern
Calvert	Green (TX)	McHugh
Campbell	Green (WI)	McInnis
Canady	Greenwood	McIntosh
Cannon	Gutierrez	McIntyre
Capps	Gutknecht	McKeon
Cardin	Hall (OH)	McKinney
Carson	Hall (TX)	McNulty
Castle	Hansen	Meek (FL)
Chabot	Hastings (FL)	Meeks (NY)
Chambliss	Hastings (WA)	Menendez
Chenoweth-Hage	Hayes	Metcalf
Clay	Hayworth	Mica
Clayton	Hefley	Millender-McDonald
Clement	Herger	Miller (FL)
Clyburn	Hill (IN)	Miller, Gary
Coble	Hill (MT)	Miller, George
Coburn	Hilleary	Minge
Collins	Hilliard	Mink
Combest	Hinchey	Moakley
Condit	Hinojosa	Mollohan
Conyers	Hobson	Moore
Cook	Hoeffel	Moran (KS)
Cooksey	Hoekstra	Moran (VA)
Costello	Holden	Morella
Cox	Holt	Murtha
Coyne	Hooley	Myrick
Cramer	Horn	Nadler
Crane	Hostettler	Napolitano
Crowley	Houghton	Neal
Cubin	Hoyer	Nethercutt
Cummings	Hulshof	Ney
Cunningham	Hunter	Northup
Danner	Hutchinson	Norwood
Davis (FL)	Hyde	Nussle
Davis (IL)	Inslee	Oberstar
Davis (VA)	Isakson	Obey
Deal	Istook	Olver
DeFazio	Jackson (IL)	Ortiz
DeGette	Jackson-Lee (TX)	Ose
Delahunt	Jenkins	Owens
DeLauro	John	Oxley
DeLay	Johnson, E. B.	Packard
DeMint	Johnson, Sam	Pallone
Deutsch	Jones (NC)	Pascrell
Diaz-Balart	Jones (OH)	Pastor
Dickey	Kanjorski	Paul
	Kaptur	Payne
	Kasich	Pease
	Kelly	Pelosi
	Kennedy	Peterson (MN)
	Kildee	Peterson (PA)
	Kilpatrick	Petri
	Kind (WI)	Phelps
	King (NY)	Pickering
	Kingston	Pickett
	Kleczka	Pitts
	Klink	Pombo
	Knollenberg	Pomeroy
	Kolbe	Porter
	Kucinich	Portman
	Kuykendall	Price (NC)
	LaFalce	Pryce (OH)
	LaHood	Quinn
	Lampson	Radanovich
	Lantos	Rahall
	Largent	Ramstad
	Larson	Rangel
	Latham	Regula
	LaTourette	Reyes
	Lazio	Reynolds
	Leach	Riley
	Lee	Rivers
	Levin	Rodriguez
	Lewis (CA)	Roemer
	Lewis (KY)	Rogan
	Linder	Rogers
	Lipinski	Rohrabacher
	LoBiondo	Rothman
	Lofgren	Roukema
	Lowey	Roybal-Allard
	Lucas (KY)	Royce
	Lucas (OK)	Ryan (WI)
	Luther	Ryun (KS)
	Maloney (CT)	Sabo
	Maloney (NY)	Salmon
	Manzullo	Sanchez
	Markey	Sanders
	Mascara	Sandlin
	Matsui	Sanford
	McCarthy (MO)	Sawyer
	McCarthy (NY)	Saxton
	McCollum	Schaffer
	McCrery	Schakowsky
	McDermott	Scott
	McGovern	Sensenbrenner
	McHugh	Serrano
	McInnis	Sessions
	McIntosh	Shadegg
	McIntyre	Shaw
	McKeon	Shays
	McKinney	Sherman
	McNulty	Sherwood
	Meek (FL)	Shimkus
	Meeks (NY)	Shows
	Menendez	Shuster
	Metcalf	Simpson
	Mica	Sisisky
	Millender-McDonald	Skeen
	Miller (FL)	Skelton
	Miller, Gary	Slaughter
	Miller, George	Smith (MI)
	Minge	Smith (NJ)
	Mink	Smith (TX)
	Moakley	Smith (WA)
	Mollohan	Snyder
	Moore	Souder
	Moran (KS)	Spence
	Moran (VA)	Spratt
	Morella	Stabenow
	Murtha	Stark
	Myrick	Stearns
	Nadler	Stenholm
	Napolitano	Strickland
	Neal	Stump
	Nethercutt	Stupak
	Ney	Sununu
	Northup	Sweeney
	Norwood	Talent
	Nussle	Tancredo
	Oberstar	Tanner
	Obey	Tauscher
	Olver	Tauzin
	Ortiz	Taylor (MS)
	Ose	Taylor (NC)
	Owens	Terry
	Oxley	Thomas
	Packard	Thompson (CA)
	Pallone	Thompson (MS)
	Pascrell	Thornberry
	Pastor	Thune
	Paul	Thurman
	Payne	Tiahrt
	Pease	Tierney
	Pelosi	Toomey
	Peterson (MN)	Towns
	Peterson (PA)	Traficant
	Petri	Turner
	Phelps	Udall (CO)
	Pickering	Udall (NM)
	Pickett	Upton
	Pitts	Velazquez
	Pombo	Vento
	Pomeroy	Visclosky
	Porter	Vitter
	Portman	Walden
	Price (NC)	Walsh
	Pryce (OH)	Wamp
	Quinn	Waters
	Radanovich	Watkins
	Rahall	Watt (NC)
	Ramstad	Watts (OK)
	Rangel	Waxman
	Regula	Weiner
	Reyes	Weldon (FL)
	Reynolds	Weldon (PA)
	Riley	Weller
	Rivers	Wexler
	Rodriguez	Weygand
	Roemer	Whitfield
	Rogan	Wicker
	Rogers	Wilson
	Rohrabacher	Wise
	Rothman	Wolf
	Roukema	Woolsey
	Roybal-Allard	Wu
	Royce	Wynn
	Ryan (WI)	Young (AK)
	Ryun (KS)	Young (FL)
	Sabo	
	Salmon	
	Sanchez	
	Sanders	
	Sandlin	
	Sanford	
	Sawyer	

ANSWERED ''PRESENT''—5

Berman	Capuano	Meehan
Blumenauer	Frank (MA)	

NOT VOTING—9

Buyer	Johnson (CT)	Ros-Lehtinen
Camp	Lewis (GA)	Rush
Jefferson	Martinez	Scarborough

☐ 1442

Mrs. CHENOWETH-HAGE, and Messrs. DICKEY, HOBSON, SMITH of Michigan, BRYANT, SHERMAN, WATKINS, SPENCE, OLVER, DOGGETT, GILMAN, CONYERS, KNOLLENBERG and MEEKS of New York changed their vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

FINANCIAL FREEDOM ACT OF 1999

Mr. CARDIN. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. CALVERT). The Clerk will report the motion.

The Clerk read as follows:

Mr. CARDIN moves to discharge the Committee on Ways and Means from further consideration of H.R. 2488, the Taxpayer Refund and Relief Act of 1999.

The SPEAKER pro tempore. The motion is privileged for consideration at this time.

☐ 1445

MOTION TO TABLE OFFERED BY MR. TERRY

Mr. TERRY. Mr. Speaker, I offer a motion to lay on the table this motion to discharge.