the Council on Environmental Quality. The President's chief adviser on the environment was on the phone with the legal counsel at EPA. We did not make this up.

I thought I was proceeding on safe grounds because of the advice I received from the Council on Environmental Quality. I say to my Democratic colleagues: Do you believe in a letter from 21 groups or do you believe in President Clinton's Council on Environmental Quality? The choice is there. Do you believe the advocacy analysis or President Clinton's analysis? I go with President Clinton because I believe there is a track record on protecting the environment.

What about arsenic? It does not shackle anybody. It delays it by 6 months. Under the current law, EPA must give the regs by January 2001. They can issue them at any time up to 2001. EPA retains its authority and its flexibility to issue the regs any time, but it removes the old deadline. Why do we do this? So small rural communities can have time to get EPA information, cost, and other things they are going to need to comply.

Let's go to the ozone. That court case is before the Supreme Court of the United States. It is not going through some small court. It is in the Supreme Court. They are going to decide it in June. The Court term ends in June. This language will no longer apply once the Court issues its ruling. Also, the language becomes moot in 2001.

Why was this language added? To prevent EPA from making new attainment designations and then have the Supreme Court invalidate them. We are saying, let the Court act and move on. At the same time, EPA is allowed to go on with its own planning process. Once the Supreme Court acts, EPA is good to go.

We are not shackling anybody. We are not stymying anybody. I believe in each of these instances there is flexibility to meet the compelling needs of public health. If they did not have that, I would not have supported it. If President Clinton's own team did not tell me it was OK to do this, I would not have done it.

I stand on the advice we were given, and I believe the advice is accurate, responsible, and reliable. I urge my colleagues to defeat the Boxer amendments.

Mr. BOND. Mr. President, I thank my colleague from Maryland. I yield 3 minutes to the junior Senator from Idaho.

The PRESIDING OFFICER. The junior Senator from Idaho.

Mr. CRAPO. Mr. President, I thank Senator BOND and Senator MIKULSKI. As chairman of the Fisheries, Wildlife and Drinking Water Subcommittee, I rise today in strong opposition to the amendment to prevent the EPA from having the time necessary to produce a proper arsenic drinking water rule based on the available science. It is important to note that in 1996 this Congress directed the EPA to adopt a specific schedule to propose an arsenic standard to allow for a full year of public review and comments by scientific experts and then to implement a rule after taking into consideration those comments.

That is what is at stake. It is important to follow up on what Senators BOND and MIKULSKI have said about what this amendment really does. It has been characterized as stopping the EPA from protecting us from arsenic problems.

The reality is that all this amendment does is give the EPA up to an additional 6 months to complete its work. In fact, I am quite surprised to see this amendment today because the administration itself has said they do not have the ability to meet the statutory deadline, and they need this extra time to make sure the rule they adopt is scientifically justified and does not cause the immense damage to local small communities in rural areas that is of concern.

We have held hearings on this issue in our subcommittee, and witness after witness has raised questions about whether the science is there to justify the direction in which the EPA is going. The EPA has acknowledged these questions. The EPA has said it needs time to further review the science, and the EPA has said it will take that time if we give it to them to do a good rule that will protect the country and yet not do damage to small communities in rural areas.

It is also important to note that this amendment does not stop the EPA from acting at any time the EPA deems it is ready to act. If the EPA says it has the process finalized, it has the science understood and is ready to proceed, they can proceed tomorrow, they can proceed in November or December or January when the statutory deadline exists. Again, the EPA has told us they are not ready to do so and that they need this extra time. We believe they need the extra time because of the impending damage that could be caused to local communities across this country.

As Senator BOND has said, there are communities and individual families who will see their water bills go up by hundreds of dollars. There are communities that probably will have to go off their systems because of this. The potential damage if we do not give the EPA the time to act properly and to review the comments is immense, and that is why I must oppose this amendment. I yield back the remainder of my time.

Mr. BOND. Mr. President, I reserve the time that has been allocated to various Members. I now allocate 3 minutes to the distinguished senior Senator from Idaho.

The PRESIDING OFFICER. The senior Senator from Idaho is recognized.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 4205

Mr. CRAIG. Mr. President, on behalf of the leadership, I ask unanimous consent that the Senate proceed to the DOD authorization conference report following the consideration and vote on H.R. 4516 on Thursday; that the conference report be considered as having been read and debated under the following agreement: 2 hours under the control of the chairman of the Armed Services Committee; 2½ hours under the control of Senator LEVIN; 1 hour under the control of Senator GRAMM; 30 minutes under the control of Senator WELLSTONE; that following the debate just outlined, Senator BOB KERREY be recognized to make a point of order, and that the motion to waive the Budget Act be limited to 2 hours equally divided in the usual form. I further ask unanimous consent that following the use or yielding back of time on the motion to waive, the Senate proceed to vote on the motion and, if waived, a vote occur immediately on adoption of the conference report, without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, this is the agreement we have been attempting to work out for the last day. This is something Senator WARNER and Senator LEVIN have worked on very hard. It is a good bill. We, on this side, think the agreement is something that will be to the benefit not only of the Senate but the country.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Idaho.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS—Continued

Mr. CRAIG. Mr. President, I thank the chairman of my subcommittee for yielding.

I say to the Senator from California, her amendment is a perfect example of no good deed goes unpunished. I say that to the Senator from California for this very simple reason. This language has been worked out with all of the parties, and all of the staffs, with the administration, and with the EPA. While they do not like it, they understand their science, and where they are does not justify, at this time, the kind of regulation they are attempting to bring down.

From the State of the Senator from California, let me read from the Indian Wells Valley Water District. This is a water district of 10 to 12 wells, wells that, meeting the current standard proposed by EPA, would cost this water district $1 million per year—a 60- to 70-percent cost increase in their operations.

What happens when Government goes silly or crazy based on science they

have not substantiated, in highly mineralized areas, where arsenic is present in water supplies, is that they drive up costs, and ultimately they collapse these little water districts and everybody goes out and drills their own wells to supply their own household water and then an even greater problem exists.

We are talking about cost per speculative cancer case—cost per speculative cancer case.

If the amendment of the Senator from California prevails, that cost per speculative cancer case goes to $5 million per speculative case.

I do not think that is good policy. I know the science isn't there yet to justify it because the word ''speculative'' is the word EPA uses in suggesting these dramatic reductions in arsenic levels.

I do not want to destroy rural water systems. Neither does this subcommittee. My colleague from Idaho spoke very clearly about the real live impact if this amendment were to prevail. Across this country, small independent water districts cannot nor could not comply without a cost of several hundred dollars more per month added to the cost of a water bill.

This is not good policy. I do not even think it is good politics.

Let me repeat: No good deed will go unpunished according to this amendment because we have been working collectively together to solve this problem, recognizing the phenomenal importance of the water quality to all citizens in this country.

Energy and Water, as an authorizing committee, has acted responsibly. While the ranking member might suggest that staff or they were not consulted, that is simply not true. They were thoroughly involved and consulted on this issue. This is a compromise. It does not shut down the process, as has clearly been spoken to by my colleague from Idaho, Senator CRAPO. So I hope the Senate will recognize that.

Let us not rush to judgment, nor let us not get into the speculative business of driving up costs of water and, therefore, allowing people to go out and drill their own wells and even create a more dangerous water structure for small rural communities.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. CRAIG. Mr. President, I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that at the conclusion of debate on the two amendments under the previous order, I be permitted to speak on the VA-HUD bill for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, we reserve the remainder of our time on these amendments. I believe the chairman of the Environment and Public Works Committee is on his way over.

What time do we have remaining?

The PRESIDING OFFICER. The Senator from Missouri has 2 minutes, and the Senator from California has 3 minutes.

Mr. BOND. I thank the Chair. We reserve our time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to respond to my colleagues directly on a number of points that they made. These two riders should be deleted. It is bad process. I think that has been spoken to a number of times. And it is really bad policy. I think that has been spoken to as well.

I say to my dearest friend, Senator MIKULSKI, who has worked so hard on this bill—and it means everything to her—how much I support her bill but for these riders. I want to tell her how I feel.

I do not think that all wisdom resides in Washington. I think I am quoting the Republican candidate for President. I do think these 21 groups are phenomenal. I do trust them. The National Resources Defense Council, the Sierra Club—maybe they do not always agree with every one of us, but they spend their lives on these issues. I do respect them. And I do think that they can. I am really glad it looks as if they are going to count these votes as an important vote on their scorecard.

But I do want to say if CEQ were in the room and some others from the administration—I know it to be fact, and it is true —I just do not happen to agree with them. I will tell you who was not in the room, who was not even given the courtesy of a phone call, Senator Max BAUCUS, who is the ranking member on Environment and Public Works. I will tell you who else was not in the room, Senator MOYNIHAN, who supports my dredging amendment. I think a phone call from the administration, if you will, to those folks would have been in order to find out how we feel about these anti-environmented riders. So we are very disappointed.

I say to my friend, Senator CRAIG, who has left the floor, he calls it ''silly science'' to talk about a lower standard for arsenic. Here is the silly science. I have to tell you, taxpayers pay the National Academy of Sciences to produce this study on arsenic in drinking water. This isn't silly science. This is what they said:

> This outdated standard does not achieve EPA's goal for public health protection and, therefore, requires revision as promptly as possible.

So what did we do? We did the opposite. We delayed the date.

The Senator mentioned a water district in California. That is why we have a waiver in the Safe Drinking Water Act, for those small communities, a waiver so they will not have hardship. That is why we have a State revolving fund which, by the way, is funded in this bill. It needs more attention. It needs more help.

But I have to say, again—and call me as old-fashioned as you want; maybe it is because when I was a kid I saw ''Arsenic and Old Lace''—but I can tell you right now, the science is clear. It is not silly; it is not foolish. This is very dangerous. We have to do something about it.

To say this is a rush to judgment when we have been having hearings on the standard since the 1980s, we all know what it is about. It is about a delay. It is the hope that the new administration may not be as tough.

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

Mrs. BOXER. I ask unanimous consent for 30 more seconds.

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

Mrs. BOXER. So I would sum up this way. We have a gag order in front of us in the rider that deals with EPA not being allowed to tell people they live in a dirty air district. It is for people to know that exposure to smog decreases lung function. It hurts our children with asthma, and it leads to emergency room visits. The courts have said clearly—and I have a direct quotation from the court—the court said: EPA has the right to tell people the truth about the quality of their air. This rider overturns that court decision.

I hope we will have strong support for this amendment.

I thank my friends.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BOND. Mr. President, I inquire of the Senator from New Hampshire if he is ready to speak?

Mr. SMITH of New Hampshire. Yes.

Mr. BOND. Mr. President, just to correct the record, the staff of the ranking member on the Environment and Public Works Committee was consulted, was informed of this. This was not done without advice to them. That was just incorrect.

I now yield the remaining time on this side to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire has 1 minute 39 seconds.

Mr. SMITH of New Hampshire. That is not much time to try to make my points here. But, look, this is one of those situations where you have an amendment, part of which I support and part of which I do not, which means I have to oppose it.

The clean air provisions that the Senator from California has outlined I can support. But it is unfortunate that I have to be here today, as the chairman of the committee, to choose to do something that this body chose to do 4 years ago in the Safe Drinking Water Act amendment.

It is worse that the only groups objecting to this language in VA-HUD are doing so because they stand to gain attorney's fees. I support the underlying managers' amendment by the Senator from Missouri. We are going to see wasteful litigation here, and it is wrong.

To put this in context would take more time than I have, but we all agree the standard on this should be reviewed. This is not a discussion about the standard. The arsenic standard needs to be reviewed. But due to the complexity and science that was needed to develop the standard, the Congress very clearly dictated a timeframe.

Congress directed EPA to propose a rule on January 1, 2000, and to finalize the rule on January 1, 2001. They made it clear we wanted to provide one year from the date of publication of a draft rule to publication of a final rule. EPA cannot meet this requirement right now, and we need to get this science. We need to draw all this in. That is what the managers' amendment allows for.

To go to litigation now means we will waste millions of dollars of taxpayers' money on litigation for no reason, and they are still not going to be able to meet the standard in spite of the litigation. It is absolutely ridiculous.

I encourage my colleagues to support Senator BOND and the managers' amendment on this issue.

To reiterate, I come today to talk about Senator BOXER's amendment to the VA HUD appropriations bill. Unfortunately, Senator BOXER has put two issues into her amendment. I support one and strongly object to the other. Due to that strong objection I will vote against this amendment.

On the arsenic provision, it is very unfortunate that I need to come down here today to defend what this body chose to do four years ago in the Safe Drinking Water Act Amendments. It is even worse that the only groups objecting to this language in the VA HUD appropriation bill are doing so because they stand to gain attorneys fees.

The provision on arsenic in the VA–HUD Appropriations bill does one thing: preserves the original intent of the Safe Drinking Water Act Amendments of 1996. While Senator BOXER's amendment does one thing—promotes wasteful litigation.

To put this into context let me explain the history and reality of the situation. The Safe Drinking Water Act Amendments of 1996 clearly outlined a need to review the standard for arsenic. We all agree the standard needs to be reviewed. This is NOT a discussion about the standard. I repeat, the arsenic standard needs to be reviewed.

However, due to the complexity and science that was needed to develop the standard, we the Congress, very clearly dictated the time frame for developing this rule. Congress directed EPA to propose a rule on January 1, 2000 and to finalize the rule on January 1, 2001.

The Congress also made it very clear that we wanted to provide one year from date of publication of a draft rule to publication of a final rule. The reason was to allow sufficient time for public comment and EPA review to finalize this very complex issue. Thus, the Congress stated that the final rule should be published on January 1, 2001, one year after the publication of the draft rule.

Unfortunately, the EPA missed the January 1, 2000 deadline to publish the draft rule by six months. There may be very good reasons for why EPA missed this deadline, but the fact is EPA missed the statutory deadline for publication by six months.

EPA provided 90 days to comment on the proposed rule, however it is my understanding that EPA will be having an additional comment period on information that became available after the original draft rule was published. So basically, we are not done with the public comment period EPA, less than three months from the statutory deadline to publish the final rule has not even received all the public comments.

What do these dates and missed deadlines mean? They mean, and EPA will agree with me on this, that there is no way that EPA will meet the January 1, 2001 statutory deadline to publish this final rule. In fact, EPA will probably not publish the final rule until late spring. I support EPA taking the time to consider all the stakeholders comments and the very complex information they have received. I support the original intent of the Safe Drinking Water Act Amendments to provide one year to finalize this rule. Especially, in light of the controversy this rule has brought on by a host of very credible institutions like the EPA Science Advisory Board that questions the EPA proposal. But that is not what we are down here today to talk about.

What happens unfortunately, is a host of groups will sue EPA on January 2, 2001 for not publishing the final rule. Everyone knows that EPA will miss this deadline, YET, these organizations will waste everyone's time and tax payer's money by bringing an unnecessary lawsuit. So what am I down here to discuss today? I am here to discuss: unnecessary attorney's fees, waste of tax payer dollars, and place a burden on the judicial branch.

To avoid those three issues, I support the arsenic provision in the VA–HUD Appropriations Bill. This provision would extend the deadline for finalization of the arsenic rule to no later than June 22, 2001. This provides the EPA one year to finalize the rule—exactly the same time frame as the Safe Drinking Water Act Amendments.

Why is this needed? Because this is a complex rule and the Congress realized that when they required EPA to take one year to finalize the rule. But just as important: we the Congress can make sure tax payers dollars are not wastefully spent on unnecessary judicial proceeding and attorney's fees.

Our constituents should not have to pay the price for the EPA's failure to follow the mandates of the Safe Drinking Water Amendments of 1996. This extension will have no impact on human health because it is completely consistent with EPA's time frame for finalizing the rule.

I am sure that is why the White House and the Council on Environmental Quality is not opposing this language.

Senator BOXER's amendment does absolutely nothing to protect human health. It only protects those environmental groups that want litigation will benefit. This is unfortunate because the litigation will produce the exact same outcome as this provision. However the litigation has consequences, it will produce: unnecessary attorneys fees, an unnecessary burden on the judiciary, an unnecessary burden on the EPA, and taxpayer dollars funding all of this. I cannot stand here and encourage unnecessary litigation. But I can proudly support the original intent of the Safe Drinking Water Act and allow EPA to take appropriate time to consider all the comments and information in proposing a final rule.

Now switching to the Clean Air Act issue. The motion to strike also contains language that touches on another one of those complicated Clean Air Act issues. I believe that this is exactly the type of thing that must be addressed by the committee of jurisdiction rather than through a rider.

Last year the Environment and Public Works Committee first addressed the issue of what limits were needed on the implementation of these air quality standards while the court was reviewing them. At that time, the committee was considering a bill to improve the transportation conformity provisions of the Clean Air Act. Senator INHOFE offered an amendment to deal with this matter and the amendment was adopted.

Even as the INHOFE language was accepted, there was discussion regarding how it might be improved prior to floor consideration. During the past few months, members of the Environment and Public Works Committee, and especially Senator INHOFE and Senator BAUCUS, worked hard to develop language that is now broadly supported—and included in this bill. The bill also contains controversial language on the same issue that came from a House appropriations bill and was not considered by the Environment and Public Works Committee. In fact, no authorizing committee in either body dealt with this language.

Mr. President, it seems to me that we are borrowing trouble by taking the House language because the language Senator INHOFE proposed speaks to precisely the same problem as the language Senator BOXER seeks to strike. We do not need both.

Let me briefly address the substance of the issue. As many Members know, the Supreme Court is currently reviewing the EPA's recently established air

quality standards for smog and soot, ozone and particulate matter.

At the same time, implementation of the standards is proceeding. The EPA is required by law to identify areas that violate the standards, even though the court might throw the standards out. More importantly, designating areas as violating the standards triggers automatic requirements under the Clean Air Act. These include restrictions on highway construction and expanding or building new facilities that would emit air pollutants.

The problem we are trying to solve is that these requirements may be triggered and then the standards could be overturned, leading to planning chaos for many states. Senator INHOFE's language would delay the effective date of the automatic requirements under the Clean Air Act to allow time for the Supreme Court to act. The language from the House bill that Senator BOXER seeks to strike would bar the use of funds for making determinations about what areas would violate the standards; thus preventing the triggering of the automatic Clean Air Act requirements.

So we have two ways of skinning the same cat. Senator INHOFE's approach has bipartisan support and is the work product of members of this body's authorizing committee. The House language is controversial and has not received consideration from any authorizing committee.

The House language is controversial because many people believe that the air data collected by the states should be analyzed by the EPA and made public no matter what happens to the standards in the courts. Also, the limit on the use of funds could delay implementation in the event that the Court upholds the standards.

I believe that the Senate should recognize and reward the effort that Senator INHOFE has made to eliminate unnecessary conflict over this issue. I support the language in the bill developed by the Senator from Oklahoma.

If the motion by the Senator from California to strike the House language was not attached to the arsenic issue, I would support the Senator in her motion, and I would encourage the entire Senate to do the same. Because the arsenic matter is the overriding concern for me, I must oppose the motion.

The PRESIDING OFFICER. The Senator from California is recognized to offer a second amendment.

AMENDMENT NO. 4309

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mrs. MURRAY, Mr. MOYNIHAN, Mr. SCHUMER, Mr. KERRY, and Mr. LEVIN, proposes an amendment numbered 4309:

(Purpose: Expressing the sense of the Congress regarding the cleanup of river and ocean waters contaminated with DDT, PCBs, dioxins, metals and other toxic chemicals)

At the appropriate place, add the following:

SEC. . (a) FINDINGS.—Congress finds that—

(1) more than one-eighth of all sites listed on the Superfund National Priorities List are river and ocean water sites where sediment is contaminated with PCBs, dioxins, DDT, metals and other toxic chemicals;

(2) toxic chemicals like PCBs, dioxins, DDT and metals tend to be less soluble, and more environmentally persistent pollutants;

(3) toxic chemicals like PCBs, dioxins, DDT and metals polluting river and ocean sites around the nation may pose threats to public health, safety and the environment.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the nation that have been contaminated with PCBs, DDT, dioxins, metals and other toxic chemicals in order to protect the public health, safety and the environment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wanted the amendment read because I think it is a pretty clear statement of what we ought to be doing; that is, expediting the cleanup of the Superfund sites.

To respond to Senator BOND, the staff of Senator BAUCUS has informed me that they received one call and they objected to the riders. They don't believe Senator BAUCUS was ever called personally. We are going to check on that because I do want the record clear on it.

I ask unanimous consent that Senators MOYNIHAN, SCHUMER, and KERRY be added on as cosponsors of this amendment.

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

Mrs. BOXER. Mr. President, I strongly oppose report language included in this conference agreement that will delay the cleanup of waters contaminated with toxic pollutants such as DDT and PCBs. We tried to work with my colleagues to change this language. We were unable to be successful.

The language will remain in because you can't strike report language, but we have a sense of the Senate that is very clear. Basically the operative language, which was just read by the clerk, is:

It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the nation that have been contaminated with PCBs, DDT, dioxins, metals and other toxic chemicals in order to protect public health, safety and the environment.

The report language included in this bill—remember, this is an appropriations bill—prohibits the EPA from cleaning up river and ocean sites that are contaminated with these horrible pollutants until the National Academy of Sciences completes a study or until June of 2000, whichever comes first. That isn't the worst of it. The worst of it is, we believe this language opens up a whole new loophole, which is really going to mean we are going to have many more court suits. I will get to that in a minute.

We think this language could delay the cleanup of at least six Superfund sites nationwide. One of them happens to be in California. The report language that is extremely troubling, which we were unable to remove, requires EPA to ''properly consider the results of the NAS study'' before moving forward on the cleanup of these sites. Anyone who knows anything about litigation knows a lawyer will have a field day with the phrase ''properly considered.''

What does that mean? You must properly consider before you move ahead with a cleanup? You could have a whole year discussing what that means, and that is exactly what the polluters are going to do. They are going to haul this Government into court just to try to get out of their responsibility. It will give polluters a hook to get into court and to litigate.

I want to talk about a site off the Santa Monica Bay, the Montrose site.

Mr. President, will the Chair inform me when I have 5 minutes remaining of my time?

The PRESIDING OFFICER. The Chair will do that.

Mrs. BOXER. I thank the Chair.

The Montrose Chemical Corporation holds the distinction of being the largest producer of DDT in the world. That is not a great distinction since we know what a poison DDT is.

It discharges tons of DDT through storm sewers into the ocean off the Palos Verdes peninsula, and 100 tons of it sits on the ocean floor there.

DDT is classified as a probable human carcinogen. It is thought to have severe liver and neurological impacts, and it has also recently been identified as a chemical which may promote breast cancer.

We know DDT is causing harm to the ocean, i.e. Santa Monica Bay, because the DDT goes up through the food chain where it reaches the bald eagles. Of course, we know those bald eagles were brought to the brink of extinction by DDT, and we know it causes the eagle eggs to thin and to fail to successfully hatch. EPA estimates it will cost $150 million to restore the ocean where that dump is.

The report language, in our strong opinion, with legal authorities across this country, tells us that it would prohibit the EPA from cleaning up this site until the NAS report comes out. And then even after that, Montrose will go back into court. Mind you, they have already spent $50 million fighting the cleanup. Their position is: Let the DDT just sit there. Don't cap it off. Don't do anything. In the meantime, it is poisoning the environment there.

I don't understand why we do these things. When I talk to my constituents, their eyes roll. Arsenic, DDT, PCBs, these are not good things. If we could agree on one thing around here, it would be to get rid of them. We do

everything we can to help people who are good actors to clean up their act, if they made a mistake. We have a State revolving fund.

It stuns me that in this century we are still arguing over cleaning up arsenic out of the water, cleaning up DDT that is harming wildlife.

As to this argument by Montrose that they should do nothing, imagine how strongly they feel. They have spent $50 million in order to do nothing. Why didn't they spend the $50 million cleaning up the site, and we would be rid of the DDT; we wouldn't have this poison moving up the food chain.

What we hope to achieve—and we hope the managers will support this—is a very simple sense-of-the-Congress amendment. It is so clear. What we say is: Look, we can't get your language out of the report. We understand you don't want to make changes because you don't want to go back to conference. All we are saying is, let's stand firm together. Let us pass the sense of the Congress. I will reiterate it, and then I will save my 5 minutes. I am hopeful others will come to the floor.

It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the nation that have been contaminated with PCBs, DDT, dioxins, metals and other toxic chemicals in order to protect health, safety and the environment.

Now, my colleagues say nothing in this bill would harm that. I hope, therefore, they will support this amendment. I think it is very important.

Mr. President, I will take an additional 30 seconds to say Senator LEVIN wants to be added as a cosponsor. Senator BAUCUS was not personally consulted by anyone on this matter. That is clearing up the record, straight from Senator BAUCUS.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am sorry we have to get into this little battle over who said what and who said what, when where, and why. Let it be clear that we on both sides made our best efforts to assure that everyone was advised. Twice, Mr. Tom Sliter, a staffer on EPW, was notified and discussed this with my assistant, Ms. Apostolou. He also, I understand, participated in a briefing conducted by Mr. Carliner of the minority staff.

Not everybody agreed with all of those things, and we never said that we had 100-percent agreement. We don't get 100-percent agreement, but we do extend the courtesy to all of the Members who are interested to let them know what we are doing and give them an opportunity. I am sorry to get into this, but when it was said that we did this without notification in an attempt to hide this, that is absolutely wrong. That is an unfortunate and unfair slam at our staff. I do not intend to let it stand.

The next point I will make, just to call it to the attention of my colleague from California, is we have been advised that no California sites would be affected. EPA has indicated they will be sending a letter to assure the Senator that no California sites would be affected by the proposed managers' amendment, or the language in the statement of managers.

Let me say that while, technically, this issue is not before us at this time, we do intend to include a statement which has been carefully worked out at painstaking meetings that Senator MIKULSKI and I had, along with our House counterparts, with OMB Director Jack Lew and George Frampton, CEQ Director. This language will be included to address the concerns raised by EPA about House report language on this issue.

The report language simply requires EPA to take into consideration a National Academy of Sciences study on contaminated sediments, which has been worked on for the past several years and is expected within the next 3 months, before dredging or invasive remediation actions at sites where a plan has not been adopted by October 1, 2000, or where dredging has not already occurred.

Exceptions are provided for voluntary agreements and urgent cases where there is significant threat to public health. Furthermore, EPA is not prohibited from proposing draft remediation plans involving dredging or invasive remediation technologies.

In view of the time, effort, and resources that have gone into examining the efficacy of dredging contaminated sediments, it would truly be a shame not to consider the best science available before going forward. This is not going to result in undue delays, but it will result in an informed process.

Dredging is very controversial and it is very costly. What do you do with the dredge material if you dig up material that is contaminated? Where do you put it? I can tell you that the answer will be NIMBY—not in my backyard. That is the first thing everybody will say. ''Can't you find a better or safer place to put it?''

Also, does dredging cause more harm, potentially, to the health and environment than leaving the contaminated sediments in place? When you stir it up and dig into the contaminated sediments, do you spread more out and do you get more in the water supply or in the air? These are things that scientists ought to tell us. The National Academy of Sciences is working on it. What would you do with thousands of truckloads of dredge material if you dredged it up and the National Academy of Sciences says you should have left it in place?

Well, it is important that we act on science around this place. I know there are some groups that love to write letters and have their own agenda and say that we need to move forward. I believe most people in this body would agree that getting a peer-reviewed study by the National Academy of Sciences before we engage upon a massive and potential danger-causing activity—dredging up sediments, or other invasive remedies—makes sense. For that reason, I believe that carefully crafted language, which was agreed on by the OMB Director and the CEQ Director, is a far preferable resolution of this very serious question. Let's take the radical step of waiting to rely on the science.

I yield to my distinguished colleague from Maryland such time as she may require.

Ms. MIKULSKI. Mr. President, how much time remains for the opponents to the Boxer amendment?

The PRESIDING OFFICER. Nine minutes.

Ms. MIKULSKI. Mr. President, will the Chair inform me when I have taken 4 minutes in the event that others also wish to speak?

The PRESIDING OFFICER. Yes, the Chair will do so.

Ms. MIKULSKI. Mr. President, I rise in opposition to the Boxer amendment and I urge my colleagues to vote against it.

This amendment will have to be disposed of by the House. It will not be accepted by the House and therefore will kill this bill.

I would like to explain to my colleagues how our bill addresses the issue of contaminated sediments, why I am opposed to the Boxer amendment and, why the administration is opposed to the Boxer amendment.

The Boxer amendment is not necessary and its passage would effectively kill this bill.

Let me explain what we do in our bill.

The final version of the VA/HUD bill will contain report language in the statement of the managers that prevents EPA from dredging any contaminated site that does not have an approved plan in place by October 1, 2000 until the National Academy of Sciences, NAS, has completed its study on this issue and EPA has reviewed it.

This language sunsets on June 30, 2001. The NAS is expected to release its report in December. With an EPA review, the delay would last probably no more than 120 days.

We have included some exceptions to this language that are very important and I want to outline them for my colleagues.

First, if a site has an approved dredging plan in place by October 1, 2000, the language does not apply.

Second, if dredging or dredging activity is already occurring at a site, the language does not apply.

Third, if a site has a voluntary agreement in place with a potentially responsible party, the language does not apply.

Fourth, if EPA determines that a site poses a threat to public health, the language does not apply.

These exceptions are very important and were carefully negotiated with the administration.

This was no small victory for us.

The House passed VA/HUD bill included report language that would have directed EPA not to initiate or order dredging or other invasive remediation technologies, until the NAS report was complete and required that the results be incorporated into the EPA decision making processes.

This more extreme language would have effectively frozen work at affected sites for an indefinite period of time.

During our negotiations with the House, we successfully modified the provision to remove the extreme language.

The report language that will be incorporated into the final version of the VA/HUD bill still leaves EPA with some discretion and does not mandate any solutions.

Our language also allows EPA to take comment on proposed remedial actions such as that for cleanup of the Hudson River.

Our language would also allow all cleanup plans to be finalized by a date certain—June 30, 2001—even if the NAS report has not been completed in a timely manner.

The NAS is expected to use their final report, no later than January 1, 2001, allowing the report to be properly considered by EPA while sites without final plans work on their drafts.

Mr. President, the administration supports our language and I urge my colleagues to vote against the Boxer amendment.

I wish to also respond to my colleague and friend, the Senator from California, by saying this: No. 1, neither Senator BOND nor I wanted the riders. The House insisted on the riders. So we attempted to remove the draconian substance of the riders and put in more procedural issues, more procedural safeguards. The Senator thinks we wimped out. We think we had a victory because of the draconian aspect. We fought off the dragons.

Also, I want to be clear to my colleagues, we are in a very unusual parliamentary procedure. If we pass this bill without any amendments, it will go immediately to the House and can go through a process of ratification and will be done. If any of these amendments pass, we will have to go into a parliamentary situation where the House will not accept this and, therefore, the bill will be dead. So I just lay that out for everyone to take into consideration.

So the funds for EPA, which are quite robust—matching, in many instances, the President's request—housing, as well as veterans, science and technology, and other consumer protection agencies such as the Consumer Product Safety Commission—I believe will be jeopardized.

Having said that, I don't want to make my argument on jeopardizing the bill. I want to address the concerns that my conscientious colleague has raised about jeopardizing the environment.

This bill prevents EPA from dredging at any site that does not have an approved dredging plan by October 1 until the National Academy of Sciences has completed its study and EPA has reviewed it. In the arsenic ozone debate we heard, the National Academy of Sciences elevated it to an icon status that said don't do anything on this rider because of what the National Academy of Sciences says. By the way, I think the Senator from California and I would agree that we do need the National Academy of Sciences. On the dredging issue, what we are saying is that the dredging sites cannot move ahead until the National Academy has completed its study and EPA has looked at it. Guess when the study is going to be done. December 2000 or January 2001. Any delay will be micro—90 to 120 days. Guess what. I say to my colleagues in the Senate, this is not permanent. It only takes this language to June 30, 2001.

This language has a sunset provision of June 30, 2001.

What are these exceptions? The main one is that if EPA believes any site poses a threat to public health, the language does not apply.

Let me repeat to anyone who thinks wisdom lies in Washington, with 21 advocacy groups, that if EPA believes the site poses a threat to public health, this language does not apply.

Also, if the site has a voluntary agreement in place, it doesn't apply. If dredging is already occurring at a site, the language does not apply. If you have your plan approved by October 1, the language does not apply.

We have so many ''doesn't applys'' here that I don't think the arguments made by the proponents of this amendment apply really in any way that has validity or attraction.

If you are worried about public health—I salute you for it—remember, it would not apply.

I join with my colleagues to say let the National Academy of Sciences complete its work. Let the EPA review it. Then it can move forth on all of this. If there is a delay, it would be 90 to 120 days.

That is basically what the argument is.

I hope the amendment offered by my colleague from California will be defeated.

How much time did I consume?

The PRESIDING OFFICER. Four minutes ten seconds remain.

Ms. MIKULSKI. I reserve the right for either Senator BOND or me to do rebuttal.

Mr. FEINGOLD. Mr. President, I rise today to support the Sense of the Congress amendment on contaminated sediments offered by the Senator from California (Mrs. BOXER). I do so because I have concerns about the implications that the report language accompanying this bill may have for the remediation and restoration of the Fox River in my home state of Wisconsin.

My staff has tried repeatedly over the last several days to clarify the report language with the Environmental Protection Agency (EPA) and has been unable to do so. I had wanted a letter from the EPA explaining the impact of this language on the Fox clean-up. In fact, my office was told by the Office of General Counsel that the EPA could not state with certainty the effects of this language on the Fox River, because it was one of the clean-ups that they had identified which might be delayed by this report language. This leaves me with concern that the next few actions Wisconsin is about to take to clean up the Fox River may be delayed, and my concern is shared by the Wisconsin Department of Natural Resources.

As members of this body know, the Senate's version of the VA–HUD bill did not contain any report language on sediments. Only the version which passed the other body contained report language on this issue, and this language is retained and modified in the report accompanying this bill. Therefore, I also raise concerns, Mr. President, because my Wisconsin colleague in the House (Mr. GREEN), who represents the Fox Valley, tried to clarify the House report language in a floor colloquy when the measure was considered in the House of Representatives. This bill before us now changes the very language my colleague from Wisconsin specifically tried to clarify, and adds new and explicit time lines which do not mesh with the upcoming actions that will be taken to clean up the Fox River. As a Wisconsin Senator, I have no choice but to try to enhance the understanding of what this language would do, and I believe that the amendment by the Senator from California (Mrs. BOXER) makes it clear that Congress intends the EPA to move swiftly to clean up contaminated river and ocean sites.

I want to explain the status of the Fox River clean-up. The Fox River is currently not a National Priority List (NPL) site, commonly known as Superfund site. Nonetheless, the Wisconsin Department of Natural Resources (WDNR) is working to develop a final Remedial Investigation and Feasibility Study (RIFS) and is expected to release that study in late December, 2000 or early January, 2001. The Wisconsin DNR intends to release the final RIFS jointly with the EPA, and the other trustees which include: the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service and the Oneida Tribe of Wisconsin. A final Record of Decision (ROD) could be reached between March and early June, 2001.

If the National Academy study is not yet complete and ''properly considered'' by EPA before the final RIFS is issued, as the Conference Report language requires, the report language is unclear about whether public comment can be initiated on the final RIFS. The report language says that public comment can be taken on ''proposed'' or ''draft'' remediation plans but is unclear with respect to comment on a

final RIFS. Further the language says that ''no plans are to be finalized until June 30, 2001 or until the Agency has properly considered the National Academy of Sciences report, whichever comes first.'' Potentially stalling comment on the final RIFS raises concerns, as the final RIFS will finally indicate a preferred alternative for cleaning-up the Fox, an alternative which was not indicated in the draft RIFS. Interests on all sides of this issue—the paper companies that are potentially responsible parties in the clean-up, local governments that are concerned about liability, and local citizens who have been waiting to see what will be done to address the contaminants in the river—deserve to know what the preferred alternative is and to express their views.

Moreover, if the final ROD is issued before June 30, 2001, its implementation could also be delayed by this language. Though some may view this as simply a delay of a few weeks, I remind my colleagues that Wisconsin is a cold weather state. My State needs the certainty of being able to plan to contract to implement the remedy during the summer and early fall construction season. If not, we risk having to put off the clean up for another calendar year due to cold weather delays.

Given these uncertainties, I support my colleague from California's (Mrs. BOXER) amendment. This report language may have consequences for my state which I simply feel must be addressed.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I yield 3 minutes to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the distinguished Senator from California. I had not expected to speak on this matter. I came to the floor to speak on the VA–HUD bill as a whole.

Let me share a couple of quick observations about these riders.

I congratulate my colleague from California for the fight she is making because it is an important fight as a matter of principle, and also it is a matter of science and common sense. These riders don't find their way into this legislation accidentally. There are powerful interests in the country that made sure these riders were here. We consistently see these attacks on environmental enforcement efforts in the country because there are people who just do not want a change.

On the air quality standards and nonattainment designations, the American Trucking Association is waiting for litigation with the EPA and wants to stop the EPA from keeping accountability with respect to the Clean Air Act.

That is what this is about. I have great respect for truckers and great respect for their efforts across the country. They are important to our economy. No one here is going to suggest otherwise. But every American has seen what happens at stoplights where they are sitting in a car that is living up to emission standards and a truck starts out at the stoplight. There is a great plume of black smoke that comes out of that truck. It is all over our highways. We know it. SUVs are presenting us with an increased problem because they come in under the light truck exception.

The fact is that the air standards of the country are not reaching the levels they ought to reach. The EPA is our chosen entity to enforce the Clean Air Act and to make sure that Americans are not subjected to pollution and air quality standards that are less than high.

We are told by the EPA what happens with this delay. There is the exposure of some 15,000 premature deaths in the country. Some 350,000 more Americans will suffer asthma as a consequence of the lack of air quality standards. That is the risk the Senate will take by allowing this kind of rider. However innocuous it may seem or however people make it sound going forward, there is a diminishment of the capacity of the EPA to enforce the law Congress has already passed to allow Americans to live by the highest air quality standards.

With respect to the dredging, I understand where that comes from. We have all been through that struggle in Massachusetts to try to clean up the Husatonic River. We are going to do some dredging there. There is now a struggle about the Hudson River, and other rivers, about whether or not those are going to be cleaned up.

The fact is the National Academy of Sciences has already provided us with not one but two studies that show dredging is a legitimate and important mechanism for cleaning up polluted areas. We are trying to do that in the Bedford-Hartford area where we have PCBs. They fear if this rider passes, that cleanup may in fact be jeopardized because people will use the excuse to say we don't have to proceed.

That is what is at stake. I know it is difficult to pull these bills together. There are a lot of different interests that have to be satisfied. But the fact is the Senate ought to take a vote on these riders. We ought to vote appropriately—that they don't belong in this legislation.

I thank my colleague for her efforts.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, how much time is remaining on my side?

The PRESIDING OFFICER. Four minutes.

Mrs. BOXER. Would you let me know when I have 1 minute remaining?

The PRESIDING OFFICER. The Chair will be glad to do that.

Mrs. BOXER. Mr. President, I thank my friend from Massachusetts for his eloquent remarks. He is a leader on environmental issues in the Senate. It makes me feel really good that he came over.

I want to again try to set the record straight. Senator BOND said a letter is on its way from the EPA saying the California site is not in fact affected by the language in the bill regarding dredging. We have called them again. We called the general counsel last night. I told my friend from Missouri. They tell us that no such letter is coming.

Be that as it may, whether the letter comes or it doesn't come, the fact is if it does not affect California—and I hope he is right—I say to my friend, if he gets that letter, I will be very grateful. It is a bad situation because the language, in fact, we believe will really slow down the cleanup of Superfund sites. That is why you have Senators MOYNIHAN and SCHUMER concerned about the Hudson River. That cleanup will be stalled.

As my friend, Senator MIKULSKI, said—she calls me the gentlelady from California. She is the gentlelady from Maryland. That goes back to our House days. Senator MIKULSKI pointed out that she said these riders are less draconian. I believe that. They are less draconian. They are still bad, and they don't belong on their otherwise terrific bill. They do harm.

My friend points out that it is very clear the language said this will wreck the public health—no delay. It doesn't say ''affect'' the public health or the environment. When you have an effect on the environment by the fish eating DDT, you do not have to be a rocket scientist; if the fish eat DDT, it it is bad for humans. When do you prove that? It may not come down the line much longer.

I know my friend worked very hard on this. She had people in the room whom she trusted. But, again, I don't believe the administration sought out these riders. My friend is right; it was the House Members who did. They simply don't belong here. It would be very simple for us to agree to this sense of the Senate. I think it would be helpful because my friends say they don't want to delay these cleanups.

I want to make one point about science. Listen very carefully when people stand up here and say it is silly science and we must act on science. The EPA and the National Academy of Sciences acted on science with their new rule on the arsenic standard. Guess what. They are calling this silly science. This is the National Academy of Sciences. They say arsenic is very dangerous.

The bottom line is you can't seem to win around here. You get a report done by the National Academy of Sciences, and they say you have silly science; forget about it; throw it away. When you don't have the report, they say you can't act. As my friend pointed out, there have been many studies done by the National Academy of Sciences on port dredging as a way to get rid of these contaminants. We didn't know

they were life threatening and dangerous. We know that now.

I hope we will have a good solid vote on these amendments.

I thank my colleagues. I retain 30 seconds.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, we are now in the concluding minutes of the debate.

First of all, on the three issues raised by the Senator from California, I want to say a couple of things.

No. 1, I am very proud of the Senate. When we moved our bill out of the full committee, we had no riders. We were not authorizing on appropriations. We had no riders, and we attempted to stand firm. Yes, we did face the dragons of the riders. What we ended up doing was not eliminating the dragons but we defang them. We defang the riders. We took the teeth out of them so they couldn't snarl up what this legislation is trying to do.

I believe the language we have adopted through the committee, through the managers' amendment, does have the riders. They are procedural. We acknowledge the flashing yellow light of the Senator from California with her terrible situation in California. We will do everything we can to make sure the Senator has that letter. I know it is not a substitute for the amendment. However, we want our colleagues to know the flashing yellow lights raised by the proponents are not valid.

Remember on the dredging, if the site has been approved by October 1, 2000, the language doesn't apply. If the dredging is already occurring, the language does not apply. If you have a voluntary agreement, the language does not apply. And if the EPA certifies that the site posed a threat to public health, the language does not apply.

I recommend the Boxer amendment does not apply to this bill and I urge its defeat.

I yield back the remaining time.

The PRESIDING OFFICER. Two minutes remain.

Mr. BOND. Mr. President, I take 1 minute to say the ranking member and I have been advised by EPA the California sites that would be affected by the language—and it is the clear understanding of the managers of the bill in the Senate—are either pilot sites already underway and would not be included or they are sites in which the final action would not be ready by the timeframe in which this action is delayed.

We have been advised, and it is our understanding, there is no application of this provision. It was intended to be included in the statement of managers on any California site.

I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. Mr. President, I ask for an additional 30 seconds added to my remaining 30 seconds.

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

Mrs. BOXER. I thank my friends for the opportunity for the brief debate. I say to my friends, these are not harmless riders. You can say they will ''defang'' and that is in the eye of the defanger.

The bottom line is these are not harmless riders. It is not harmless to tell the EPA they are gagged from telling the people in my State and every other State that they live in a dirty air situation. That is what this rider does.

It is not harmless to tell the EPA they cannot set a new standard for arsenic, a standard that essentially was set with data collected in 1942. I will not tell anyone if I was born then or not. That is an old standard, folks. We know it is much more dangerous.

Finally, it is not harmless to delay the cleanup of PCBs and DDT and all the other hazardous toxins that sometimes get into the bay and the ocean floor and harm the wildlife and work up the chain.

Please support the Boxer amendments.

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

Mr. KERRY. I see we have more time than I anticipated. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. I want to make sure that there is time for the ranking member and myself.

What is the time situation, and how much time now does the Senator from Massachusetts have?

The PRESIDING OFFICER. The Senator from Massachusetts at the present time has 10 minutes.

Mr. BOND. And he is requesting?

The PRESIDING OFFICER. Another 5 minutes.

Mr. BOND. Mr. President, I do not object.

I amend that to ask unanimous consent that the remaining 20 minutes prior to the 12:30 vote be divided between the ranking member and myself.

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

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I rise to speak on the legislation we will vote on shortly, the VA–HUD bill, with mixed feelings. I want to be clear to my colleagues, the distinguished Senator from Maryland and the Senator from Missouri, those feelings have absolutely nothing to do with the level of leadership they have provided on this legislation. I think they have done an outstanding job under exceedingly difficult circumstances. When I say ''difficult circumstances,'' they know better than anybody in the Senate what we are talking about.

This bill is traditionally knocked around, almost always begins with a significantly below realistic cap which makes it almost impossible for them to do their work for months on end. And then at the last minute they get some kind of a reprieve and they are allowed the opportunity to try to fit the pieces together, satisfy their colleagues, satisfy national priorities, and come to the Senate.

I think they have produced a housing budget that in light of recent years—I emphasize this—is a very strong budget. They have done an exceptional job with respect to the existing housing programs that we have in this country. They have increased funding for almost every significant Federal housing program that is already run by the Department of Housing and Urban Development. For that, I thank them—not just for me but for countless numbers of people across the country who depend on one or another of those efforts to have decent shelter and a competent housing program for their communities.

Let me share quickly a couple of examples where the work has been exceptional. They have provided about $6.2 billion for operating and capital costs in public housing, which is an increase over the administration's request. The HOPE VI program, which has been enormously successful in turning some of the Nation's worst public housing developments into healthy, mixed-income communities, including a number in my home State of Massachusetts, has received an additional $575 million.

The HOME program and the CDBG received significant funding increases. Any of us can go home and talk to a mayor and we will learn quickly how important those particular programs have been to the discretionary capacity of mayors to be able to make a difference for their communities.

The Community Reinvestment Act has been able to extend credit. That has assisted the communities. The bill also brought the homeless budget back up to where it was.

But let me just discuss, if I may, an area in which I know both the Senator from Missouri and the Senator from Maryland share with me a sense of frustration and a sense of a priority not met by this legislation. There is something the Congress of the United States could have done about this, and has chosen not to do.

Very simply, we need a production program in this country. We used to have a production program, but over the last years we have seen a retreat from the commitment by the Federal Government to provide production.

Last night, in the debate between Vice President GORE and Governor Bush, there was an exchange where the Vice President said to the Governor that he didn't doubt his heart, or his goodness as a person but that he questioned his priorities. I come to the floor today to question the priorities of all of us in Washington, the Congress and the administration, with respect to one of the most evident, compelling needs that we face in this country, in community after community after community. This is not a Boston or a Massachusetts issue. It is not a New

England issue. There is not a community in the United States of America that you go to today where there are not people having an extraordinarily difficult time being able to find adequate housing.

The reason is partly something we can celebrate, in the sense it comes out of an economy that is so extraordinarily strong. But, on the other hand, because it is so strong and so many people are able to afford the few available places, the rents have risen to a point where even some vouchers are being refused. So we are upping the number of vouchers in this legislation to some 80,000 new vouchers, but there is no place for anybody to take them.

The result is, even as we live in a time of extraordinary economic expansion, too many of our fellow Americans are not sharing on the up side and are finding it increasingly difficult to find decent housing. HUD estimates that 5.4 million low-income households have what we call worst case housing needs. These families are paying over half their income towards housing costs or they are living in severely substandard housing.

Since 1950, the number of families with worst case housing needs has increased by 12 percent. That means 600,000 more of our fellow citizens cannot afford a decent and safe place to live, even though the United States of America has the best economy we have had in maybe half a century. For these families, living paycheck to paycheck, one simple unforeseen circumstance such as a child getting sick or a big car repair bill or some other kind of emergency can send them into homelessness. That is not an exaggeration.

Earlier this year, on the front page of the Washington Post, an article detailed these problems right here in our own backyard, the Nation's Capital. That article detailed the plight of low-income families living in apartments that are no longer affordable because the owners decided to no longer accept Federal assistance. For those families, the loss of their affordable housing unit meant they could go without a home.

We have mistakenly viewed this crisis as limited to certain demographic groups. I really caution my colleagues not to fall into that stereotype. There is not one metropolitan area in the country where a minimum wage earner can afford to pay the rent for the average two-bedroom apartment. The minimum wage today—is it $5.15? You would have to earn over $12 an hour to afford the median rent for the average two-bedroom apartment in this country. That figure rises dramatically in many metropolitan areas.

An hourly wage of $28 is needed in San Francisco; $23 on Long Island; $19 in Boston; $17 in Washington, DC, $16 in Chicago and in Seattle, and $15 in Atlanta. In every one of these cases, the affordability crisis has grown worse over the course of the past year. Working families are increasingly finding themselves unable to afford a house. A person in Boston would have to make over $35,000 a year just to afford a two-bedroom apartment, and we know that is well above the median earnings of folks in that area—as well, I might add, as most of the country.

In Cape Cod, MA, a working mother of three children has been forced to live in a camper. The children actually live in a tent because the camper is not large enough. The mother cooks on an outdoor grill. She cleans the campground toilets to help pay the rent on her campsite. She works 40 hours a week, earns $21,000 annually, and she cannot find affordable rental housing.

There was another article in the Washington Post this week which emphasizes the impact of this issue. Because of the ability of higher wage earners in this area who have benefited from the booming economy to pay higher housing costs, we have seen a rise in the number of building owners who refuse to rent to households that are assisted by section 8 vouchers. In Prince Georges County, 300 tenants in an apartment complex were recently told they have to move because the owner is no longer going to accept section 8.

I know the Senator from Missouri understands everything I have thus far said and supports the notion that we need a production program. I am grateful to the Senator from Missouri for having not just seen that, but put $1 billion into this bill for housing production. That is how this bill went to the conference level. That bill could have received support from the House and the administration that would have left us in a position to fund.

When people say: Senator, what about the cap? What about the total amount of money? In this year, the 2001 budget cycle, as a matter of priority, the administration and others are choosing to pay down $200 billion of debt. I am all for debt paydown. I know that is a tax cut to all Americans. I have been one of those here who has supported the concept that we ought to pay off the debt as rapidly as we possibly can. But the key is in the words ''as rapidly as we possibly can.'' Maybe we should add words such as ''as is appropriate,'' or ''as is measured against other priorities of the country.''

I do not know where it is written in stone or otherwise made an edict of the budgeting process that we have to choose to pay down $200 billion instead of paying down $199 billion or $198 billion, or some other figure. Would it really be so bad if the United States took 1 year longer to pay off the entire debt while sufficiently addressing the question of adequate housing for American families today?

The Senator from Missouri sought to put $1 billion into this bill. So we are making our own priorities. I say to my colleagues, as a matter of common sense and sound investment policy in the future of the country, it makes sense to invest in production of housing for people who cannot afford it because the alternative is that you have a lot of kids who are dragged out of schools, moving from community to community, often becoming at risk as a consequence of the lack of adequate housing. We will pick up their costs. We will pick up their costs when some Senator comes to the floor and says we need more Federal assistance to build prisons; or we need more Federal assistance for the juvenile justice system to take care of those kids who are getting into trouble; or we need more Federal assistance for the drug program because we have too many crack houses and too many communities that are magnets for crime.

Why? Because we don't allow them to become the kinds of communities we want them to be by investing up front in creating the kind of housing the country needs. It is inexcusable, in a nation as rich as we are, doing as well as we are, that we cannot find $1 billion to make certain we have a production program to help build the kind of housing that will release the pressures on the marketplace and can be felt all up and down the ladder in housing costs in the country.

Some colleagues will say: Why should the Federal Government do that? Years ago, we made a commitment in this country about housing. We have come to understand that there are certain things the marketplace doesn't always do very well. I happen to believe we have the most efficient allocation of capital of any economic system anywhere on the face of the planet. I am proud of that. I support that in dozens of ways—through the Small Business Committee, Banking Committee, Commerce Committee, tax incentives, various ways in which we allow the private sector to do what it does best, which is create jobs. But sometimes there are certain sectors of the economy where the marketplace does not work as efficiently. We have always recognized that with one kind of tax incentive or tax credit or direct grant or other kind of incentive or another. Housing just happens to be one of them.

When the supply is very tight and the demand is very high, you have a capacity for rents to rise and you have builders targeting their building to that place where they can make the most money. That is a natural instinct in a marketplace where you are looking for the greatest return on investment. You do not get your great return on investment from the sectors where the people can least afford the rents.

That is why we need a production program, and that is why I hope in these final days before the Congress adjourns we will find our way to include in the omnibus bill the production program we need so desperately. I thank the Chair.

The PRESIDING OFFICER (Mr. FITZGERALD). The time of the Senator from Massachusetts has expired.

There are now 20 minutes equally divided among the managers of the bill.

Ms. MIKULSKI. Mr. President, as we conclude our debate on the VA–HUD bill, there are differences of opinion on these riders. I do hope they are rejected. If they are adopted, it will have a serious parliamentary and maybe even fiscal consequence. However, it is a democracy; people need to work their will. I am very proud of this bill because we do meet the needs of our veterans, those who fought the war over there so we could have peace here. I am very proud of what we have done in housing and urban economic development because what we want to do is create an opportunity ladder so people can make sure they have the opportunity for a better life, that there is local control in decisionmaking, strengthening communities whether they are in rural or urban America.

I am very proud of what we have done on the environment. We have funded clean air, clean water, safe drinking water, the ongoing efforts to clean up the Chesapeake Bay and many other bays around the United States of America. Also, in terms of science and technology, again, we have increased the funding so we can come up with the new ideas that ultimately will save lives, generate jobs, and save communities. That is what this bill is all about.

There are little known provisions, such as funding Arlington Cemetery where brave people who died in war are buried, and where Navy diver Stethem, my own Maryland resident who died as a result of an act of terrorism, is buried. He was on an airplane, and he wore the Navy uniform. They beat him up. This bill is a tribute to what people fight and die for around the country: That people will have a better life.

I yield the floor.

Mr. BOND. Mr. President, I wish to follow up with some comments on the issues we have discussed today and express, again, my sincere appreciation to my colleague from Maryland for the tremendous cooperation and guidance and valuable assistance she has provided, and her staff, Paul Carliner and others. We have had a lot of difficulties in working out this bill under unusual circumstances, but we both extend our thanks to the chairman and the ranking member, Senator STEVENS and Senator BYRD, for assisting us and for providing us with the resources we needed ultimately to put together a bill that meets the needs in so many important areas, from veterans to housing to the environment to space to science and emergency management. It has been a challenging time.

The Senator from Massachusetts noted that we had made an effort with respect to the production of housing. Frankly, I believe there is nothing more important. I think we have finally gotten the attention of the Department of Housing and Urban Development, which had heretofore focused solely on sending out new vouchers.

They wanted new vouchers overall. And my staff did what I thought was a very helpful report—completed it a month or so ago—which pointed out in so many areas vouchers simply cannot be used. There is no place to use them. The nationwide average is about 19 percent. I think in Jersey City some 65 percent of the vouchers cannot be used. In St. Louis County, MO, 50 percent cannot be used. It is an empty promise, a hollow promise, when we give a needy family a certificate that says this will pay their rent, and they take it out someplace and find out they cannot rent anyplace with that voucher, with that section 8 certificate. That does not do much good.

So we did fight hard for the production program. People have objected. I think they had legitimate concerns about the provisions. We agreed that these should be considered in an authorizing vehicle. We hope and we urge the Banking Committee next year to take up the problem of housing production. Let's get all these ideas out on the table.

My office has a lot of good ideas; I am sure others do. Let's get them all out and work them out in authorizing language. How sweet it would be if we had an authorized piece of housing legislation that would make it unnecessary for us to include housing provisions in the appropriations bill. It might be a lot duller, but I believe the ranking member and I could still pass the appropriations bill. So I urge them to deal with those housing questions.

We also thank our colleagues from the Environment and Public Works Committee for their helpful comments. As a member of that committee, I urge them to take a look at these many provisions which are included in our bill because of concerns over the direction we are moving in the environment. I would like to deal with them on the authorizing basis. I hope that we may do so in the future.

Mr. President, I thank all our colleagues for their help.

I reserve 2 minutes for the chairman of the committee at such time as he may choose for matters that he wishes to bring up.

Mr. STEVENS. Will the Senator yield now?

I thank the Senator very much.

Mr. President, I thank Senator BOND and Senator MIKULSKI, who have worked so hard on this bill and brought us a bill now, through the negotiations they have had with the House, that I believe will be signed. It has been a very difficult bill. In working together, it is nice to see a good bipartisan effort on our appropriations bills.

AMENDMENT NO. 4310

Mr. President, I ask unanimous consent it be in order for me to offer an amendment at this time. The amendment is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 4310.

Mr. STEVENS. I would like to have the amendment read.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

At the appropriate place in the amendment, add:

DIVISION C

SEC. . In lieu of a statement of the managers that would otherwise accompany a conference report for a bill making appropriations for federal agencies and activities provided for in this Act, reports that are filed in identical form by the House and Senate Committees on Appropriations prior to adjournment of the 106th Congress shall be considered by the Office of Management and Budget, and the agencies responsible for the obligation and expenditure of funds provided in this Act, as having the same standing, force and legislative history as would a statement of the managers accompanying a conference report.

Mr. STEVENS. Mr. President, I ask unanimous consent for adoption of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is agreed to.

The amendment (No. 4310) was agreed to.

Mr. STEVENS. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I know we are concluding. I express my thanks to Senator STEVENS and to Senator BYRD, who enabled us to move forward with this very unusual process, and for the assistance they gave us in dealing with severe budgetary allocations.

I also thank Senator BOND, as well as Congressman WALSH, for including the Democrats as full participants, and also the courtesy extended to members of the executive branch at OMB and also to the Council on Environmental Quality.

I also thank Senator BOND's staff for, again, their really close work in relationship with us and for the professionalism that was afforded. And I thank my own staff. While we worked on this bill, a lot of people were off enjoying themselves. They went home to dinner; they went to fundraisers; they played with their grandchildren; and we were out here working. That is our job. We were happy to do it. But after we would go home, the staff would work, often until 10, 11, 12 o'clock at night and through weekends. I thank them for their hard work. But, most of all, I know the American people thank them for their hard work.

Mr. President, that concludes my remarks.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4308

Mrs. BOXER. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator has 1 minute.

Mrs. BOXER. Mr. President, my amendment strikes two riders which are harmful and unfair to the American people. That is why 21 environmental groups support the amendment. And the League of Conservation Voters has indicated they are going to score this on their environmental scorecard.

The first rider delays the setting of a new standard for arsenic in drinking water. The National Academy of Sciences tells us we must act on a new standard for arsenic in water because arsenic is now a known carcinogen. They urge swift action because they tell us that the old standard was based on 1942 data. Arsenic causes cancer. That is science. We should not delay.

The second rider gags the EPA from informing communities that their air quality is harmful to their health. That is, to me, in a democracy, an amazing thing that we would stand here and allow this to happen, where the EPA would be denied the free speech to go into communities and say: You have to watch out for your health.

Gag rules on clean air and delays on arsenic standards are bad riders. I hope we will strike them.

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

Mrs. BOXER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Missouri has 1 minute.

Mr. BOND. Mr. President, with respect to the arsenic rider, the National Academy of Sciences says somebody must act, but the EPA has not determined what action must be taken. Give them the full year that the Clean Water Act envisioned. We are doing this so they can conduct the process and not wind up spending their time in court.

With respect to the ozone nonattainment designations, this is simply saying: Don't go out and put black eyes on communities when lower courts have said that the EPA doesn't have the authority to issue those designations. Wait until you find out whether they actually have the authority to go out and brand a community as being out of attainment with this particular standard until you find out whether it is lawful.

I strongly urge my colleagues to join with me in opposing this amendment.

Mr. President, I move to table amendment No. 4308, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion to table amendment No. 4308. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Minnesota (Mr. GRAMS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''no.''

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

The result was announced—yeas 63, nays 32, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—63

Abraham	Dorgan	Mack
Allard	Enzi	McCain
Ashcroft	Frist	McConnell
Bayh	Gorton	Mikulski
Bennett	Gramm	Miller
Bingaman	Grassley	Moynihan
Bond	Gregg	Murkowski
Breaux	Hagel	Nickles
Brownback	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sessions
Campbell	Inhofe	Shelby
Cleland	Inouye	Smith (NH)
Cochran	Kohl	Smith (OR)
Conrad	Kyl	Stevens
Craig	Landrieu	Thomas
Crapo	Levin	Thompson
Daschle	Lincoln	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner

NAYS—32

Akaka	Fitzgerald	Reid
Baucus	Graham	Robb
Biden	Hollings	Roth
Boxer	Jeffords	Sarbanes
Bryan	Johnson	Schumer
Chafee, L.	Kerrey	Snowe
Collins	Kerry	Specter
Dodd	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Murray	Wyden
Feingold	Reed	

NOT VOTING—5

Feinstein	Helms	Lieberman
Grams	Kennedy	

The motion was agreed to.

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

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

CHANGE OF VOTE

Mr. DODD. Mr. President on rollcall No. 270, I voted aye. It was my intention to vote no. Therefore, I ask unanimous consent that I be permitted to change my vote since it would in no way change the outcome of that vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. BOND. Mr. President, on behalf of the leader, I ask unanimous consent that the next votes in this series be limited to 10 minutes each.

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

The Senator from California.

AMENDMENT NO. 4309

Mrs. BOXER. Mr. President, do I have 1 minute to describe this amendment?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, this is a simple amendment. It is a sense of the Congress and says the following:

It is the sense of the Congress that the Environmental Protection Agency should move swiftly to clean up river and ocean sites around the Nation that have been contaminated with PCBs, DDT, dioxins, metal, and other toxic chemicals in order to protect the public health, safety, and the environment.

I think this is very straightforward. I think we should all join hands and support the amendment. Why do I think we need it? There is report language in this bill that we believe delays the cleanup of these sites. The managers say, no, they don't think it will result in delay. If that is the case, then why can't we all join hands and support this sense of the Congress?

My goodness; we ought to protect our environment in this way. It seems to me if we have PCBs, if we have DDT with an ocean environment, a bay environment, or river environment, it is going to harm and it is harming the wildlife. That gets passed on to humans as the fish consume the DDT.

I urge a ''yes'' vote.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Senator from Maryland.

Ms. MIKULSKI. First, do not be deluded by the phrase ''sense of the Congress.'' This is not a free ride on the riders. There are consequences if this passes. It is a dangerous amendment. This amendment will then go to a formal conference. The House will not accept our decision. This bill will then die as so many other things are dying. It will die quickly, as a matter of fact.

Second, in terms of the consequences to policy, first of all, there are so many exceptions in this bill, one of which is that this language does not apply if EPA says the site poses a threat to public health. It does not apply if a voluntary agreement is in place, if dredging is already occurring in a site. If a site has an approved plan by October 1, 2000, it doesn't apply.

Guess what. It sunsets on June 30, 2000. Let's just sunset the amendment and move on.

Mr. BOND. I move to table and ask for yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to a motion to table the amendment No. 4309. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Minnesota (Mr. GRAMS), are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''no.''

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

The result was announced—yeas 56, nays 39, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—56

Allard	Frist	Mikulski
Ashcroft	Gorton	Miller
Bennett	Gramm	Murkowski
Bond	Grassley	Nickles
Breaux	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bunning	Hatch	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Sessions
Campbell	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Cochran	Inouye	Smith (OR)
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Voinovich
Dorgan	McCain	Warner
Enzi	McConnell	

NAYS—39

Abraham	Edwards	Lincoln
Akaka	Feingold	Moynihan
Baucus	Fitzgerald	Murray
Bayh	Graham	Reed
Biden	Harkin	Reid
Bingaman	Jeffords	Robb
Boxer	Johnson	Roth
Bryan	Kerrey	Schumer
Chafee, L.	Kerry	Snowe
Collins	Landrieu	Specter
Conrad	Lautenberg	Torricelli
Dodd	Leahy	Wellstone
Durbin	Levin	Wyden

NOT VOTING—5

Feinstein	Helms	Lieberman
Grams	Kennedy	

The motion was agreed to.

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

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the bill will be read a third time.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

SECTION 404

Mr. SMITH of New Hampshire. Mr. President, I would like to discuss with the distinguished chair of the Appropriations Subcommittee on VA, HUD and Independent Agencies the role of the Federal Emergency Management Agency (FEMA) in the Section 404 permitting process. FEMA and the Section 404 wetlands permitting program are subject to the authorization jurisdiction of the committee I chair, the Senate Environment and public Works Committee, and receive their funding through this appropriations bill.

Mr. BOND. I would be delighted to discuss this matter with my colleague from New Hampshire.

Mr. SMITH of New Hampshire. As the Senator knows, the Federal Emergency Management Agency was not established with the intent that it become a regulatory agency. Rather, the principal mission of the Agency is to administer relief to areas of our nation that are suffering from catastrophic events such as floods or hurricanes. The Section 404 permitting program under the Clean Water Act, as the Senator also knows well, is a complicated and controversial federal regulatory program administered primarily by the Army Corps of Engineers. However, the Environmental Protection Agency also has a major role in the implementation of the program that includes the ability to veto decisions by the Corps to issue specific Section 404 permits. I believe that two agencies implementing a federal regulatory program is quite enough.

Mr. BOND. I am familiar with the Section 404 program and agree with the Senator's observations.

Mr. SMITH of New Hampshire. I have two specific concerns regarding FEMA and the Section 404 program. First, I understand that a new rule on nationwide permits was issued by the Corps effective June 7, 2000. Nationwide permits are a streamlined permitting process that apply to minor wetlands disturbances that have a minimal impact on the nation's wetlands. These permits are very important to the operation of the program since as many as 85 percent of the permits issued by the Corps each year are nationwide permits. One aspect of this new rule makes it very difficult to obtain nationwide permits in the one hundred year floodplain. According to the Corps, 53 percent of the floodplain is subject to the jurisdiction of the Section 404 program. The rule provides that certain nationwide permits can be obtained in a portion of the hundred year floodplain if approved by FEMA or the local flood control agency.

Congress has not authorized a role for FEMA in the Section 404 permitting process. Is it your understanding that this new rule will be implemented in such a fashion that FEMA will not become a regulatory agency with respect to Section 404 nationwide permits?

Mr. BOND. I agree with the Senator that FEMA should not have a regulatory role in the Section 404 program and that there is some lack of clarity in the new nationwide permit rule regarding FEMA's role. The report of the Committee that accompanies this legislation contains language requesting detailed information from FEMA regarding their implementation plans under this new rule. I can assure the Senator that we will address his concerns as we work with FEMA on their funding needs and requests.

Mr. SMITH of New Hampshire. I thank the Senator for his attention to my concerns about FEMA's role in the 404 program. I would also call the Committee's attention to the related problem of the issuance of individual 404 permits in the 100 year floodplain. I believe it is important to emphasize that, just as in the case of nationwide permits. FEMA does not have a regulatory role in the issuance of individual permits under Section 404. Whether or not there should be such a policy in the hundred year floodplain is an issue that Congress may wish to address in the future. However, for now, I believe that it must be restated that FEMA has not been authorized a decisional role in whether or not an individual Section 404 permit should be issued nor the conditions of a Section 404 permit. We do not need a third federal agency with a decisional role in the Section 404 permitting program. Obviously, FEMA may comment on applications for Section 404 permits, as may any citizen or federal agency, but that opportunity must not be transformed into a decisional role. Does the Senator agree with me on this point? Is it the Senator's understanding that the funds in this bill will not be used by FEMA to play a decisional role in the issuance of individual Section 404 permits in the hundred year floodplain?

Mr. BOND. I agree with the Senator on this point. The funds in this bill are not to be used by FEMA to play a decisional role in the issuance of individual Section 404 permits in the hundred year floodplain.

Mr. SMITH of New Hampshire. Mr. President, I thank my distinguished colleague from Missouri.

ASSISTING VETERANS WITH DISABILITIES

Mr. LEVIN. Will the Chairman of the VA, HUD and Independent Agencies Appropriations Subcommittee yield for a question?

Mr. BOND. I will be pleased to yield for a question from the Senator from Michigan.

Mr. LEVIN. First, I want to compliment the Chairman and the Ranking Member, Ms. MIKULSKI, for bringing this bill to the Senator floor and for the Subcommittee's attention to the health, rehabilitation and research programs funded by this bill that are critical to our Nation's veterans.

I also want to compliment the Chairman and the Ranking Member for the subcommittee's report language that urges the VA's Rehabilitation Research Office to conduct a demonstration project to assess the impact of a new mobility technology on the ability of veterans to perform work functions, thereby leading to increased opportunities for veterans with disabilities to return to work. This innovative mobility device is a major advance in that it has

the ability to climb stairs, traverse all terrain and balance the seated user at standing eye-level. It should, I hope, provide veterans who have mobility impairments with significant additional opportunities in the workplace. The demonstration project called for by the Subcommittee's language will help clarify the additional employment opportunities that such a device should create for our Nation's veterans. I thank the Subcommittee for its assistance in making process on this matter.

With new and emerging technologies becoming available that can assist veterans with disabilities, it is vital that the VA keep pace with the marketplace and ensure that veterans with disabilities have access to these advancements. I have had the pleasure of seeing this new mobility device perform its functions and it clearly holds great promise. I am hopeful that this demonstration project will show a significant impact that this device can have on the ability of veterans with disabilities to return to work and I am eager on review the findings of the demonstration. Would the Chairman agree that the demonstration that is requested in the Subcommittee's language be completed by May 1, 2001?

Mr. BOND. Yes, I think that the more than 7 months between now and May 1, 2001, is ample time to complete the demonstration project. I thank Senator LEVIN for his work on this important issue and for bringing it to the Subcommittee's attention.

Mr. LEVIN. I thank the Chairman for his continuing leadership on this matter.

DREDGING

Mr. LEVIN. Mr. President, this Manager's Amendment contains language which would direct the Environmental Protection Agency (EPA) to take no action to initiate or order the use of dredging or invasive remedial technologies where a final plan has not been adopted prior to October 1, 2000, or where such activities are not now occurring until the NAS report has been completed and its findings have been properly considered by the Agency. Would the Senator from Maryland be willing to clarify a few questions about this language?

Ms. MIKULSKI. Mr. President, I would be pleased to offer information about this Amendment to my friend from Michigan.

Mr. LEVIN. Is it understood that the Environmental Protection Agency has the discretion to define ''threat to public health'' and ''urgent case'' as those terms are applied to the exceptions? Further, is it understood that the EPA has the discretion to define ''properly considered.''

Ms. MIKULSKI. The Senator is correct.

Mr. LEVIN. Does the Senator from Missouri, the Chairman of the Subcommittee, agree with these clarifications?

Mr. BOND. I agree with the Senator from Maryland and join in her interpretation of this language.

Mr. LEVIN. Mr. President, as always, I appreciate the courtesy of the distinguished Senators from Maryland and Missouri.

GREAT WATERS PROGRAM

Mr. DEWINE. Mr. President, we congratulate the Chairman and Ranking Member of the Appropriations Committee for presenting the Senate with an Appropriations bill which addresses so many of the water quality issues confronting America today. We also want to reiterate our support for a program of great interest to our colleagues from the Great Lakes states.

Mr. LEVIN. The Great Waters program, authorized by the Clean Air Act Amendments of 1990, assesses air deposition as a source of toxic contamination to key water bodies, including the Great Lakes and Chesapeake Bay. Research suggests that at least half of all new toxic pollution loadings entering the Great Lakes may be transported and deposited by the atmosphere. Consistent funding for the monitoring of air deposition of toxic contaminants is especially critical at this time as the international community completes negotiations of an international treaty on persistent organic pollutants. The Great Waters program will provide a key component of the database used to judge the effectiveness of this international agreement in lowering the toxic contaminants entering the Great Lakes, and other great waters of the United States, from foreign sources.

Mr. DEWINE. I would like to ask the distinguished Chairman if the bill provides sufficient funding through the parent account to restore funding for critical monitoring under the Great Waters program to the fiscal year 1999 level of effort?

Mr. BOND. Mr. President, I want to thank the distinguished Senators from Ohio and Michigan for highlighting the importance of the Great Waters program. We are pleased to recommend continuation of this program which is so vital to understanding the impact of airborne toxins on aquatic ecosystems. I assure the Senator that the intention of this bill is to restore sufficient funding to allow assessment of our progress in reducing the amount of toxic pollution entering the nation's waters.

THE CENTREDALE MANOR RESTORATION PROJECT

Mr. L. CHAFEE. Mr. President, I appreciate the work of the subcommittee chairman and ranking minority Member in putting together this year's VA-HUD appropriations bill. I would like to clarify one matter of importance regarding removing an environmental threat in a Rhode Island community. The Centredale Manor Restoration Project is a Superfund site in North Providence, RI. With my encouragement, the U.S. Environmental Protection Agency has been moving quickly at this site. The site was only added to the National Priorities List in February of this year and several removal actions have been conducted at the site. Recently, the EPA released a proposed Engineering Evaluation/Cost Analysis that recommends replacement of the Allendale Dam and excavation of contaminated soils from residential properties along the Woonasquatucket River. These cleanup plans—requiring excavation of approximately 2,500 cubic yards of soils and sediments—were intended to be finalized later this year after the current public comment period, with design and construction work to follow shortly thereafter. There is a great deal of local support for getting on with this clean up and removing dangerous contaminants from North Providence neighborhoods.

I understand that the report attached to this bill contains language directing EPA to wait until completion of the current National Academy of Sciences study of sediment remediation technology, and proper consideration of the NAS study as it relates to EPA remedy selection, before finalizing any more dredging plans. The NAS study is scheduled to be completed no later than January 1, 2001. It seems to me this report language would allow the EPA to continue planning associated with the Centredale Manor cleanup, including replacement of Allendale dam and excavation of contaminated soils and sediments in and along the Woonasquatucket River, at the North Providence Superfund site. Ultimately, I believe that following consideration of the NAS study, EPA will be able to finalize the cleanup plan and implement that final plan during the 2001 construction season. I would like to confirm with the Chairman of the VA-HUD Appropriations Subcommittee that the report language is not intended to delay progress toward cleaning up contamination at the Centredale Manor Restoration Project in North Providence.

Mr. BOND. Mr. President, the Senator from Rhode Island is correct. The conference report language on dredging and EPA review of the pending study by the National Academy of Sciences is not intended to delay progress towards cleaning up contamination at the Centredale Manor Restoration Project in Rhode Island. It is intended to ensure that EPA considers the findings of the NAS study in selecting remedies involving contaminated sediments.

Mr. L. CHAFEE. Mr. President, I appreciate the chairman's clarification of this matter.

TEA–21

Mr. LAUTENBERG. Mr. President, I would like to engage the Chairman of the VA–HUD Appropriations Subcommittee in a brief colloquy on an important matter.

It is my understanding that the managers' amendment that we are adopting includes a rider which prohibits the EPA from making nonattainment designations under the new 8-hour ozone standard until June 15, 2001, or the final adjudication of the American Trucking Association vs. EPA case now before the Supreme Court, whichever comes first. Is that right?

Mr. BOND. The Senator from New Jersey is correct.

Mr. LAUTENBERG. While I believe that inclusion of this rider is unfortunate as it will slow progress toward cleaner air, I understand that it should have little practical effect. EPA is unlikely to make those designations much in advance of June 15, 2001, in any case, even though all but about 6 states have submitted proposed areas for nonattainment designation.

I would just like to make one thing very clear for the record. This rider is a prohibition on the expenditures of funds. It does not negate the requirement included in TEA–21 that areas be designated under the new ozone standard. It also does not in any way prejudice the litigation pending before the Supreme Court. Would the distinguished Chairman confirm that these points are true?

Mr. BOND. Yes, Mr. President, the Senator is correct. This language does not modify section 6103 of TEA–21, nor is it intended to affect the Supreme Court's consideration of the litigation on these standards in any way.

Ms. MIKULSKI. I concur with the Subcommittee Chairman and the Senator from New Jersey.

CERCLA

Mr. LAUTENBERG. Mr. President, I would like to clarify a section in the statement of the managers accompanying the conference report. The language directs EPA to take no action to initiate or order the use of certain technologies such as dredging until certain steps have been taken with respect to the National Academy of Sciences report, with exceptions for voluntary agreements and urgent cases. It is my understanding that after June 30, 2001, or when EPA has properly considered the NAS report, whichever comes first, the conferees intend that EPA could proceed to finalize any such plans and act on those plans through steps to initiate or order dredging and other technologies, as appropriate.

Mr. BOND. The Senator is correct. The statement of the managers is not intended to limit EPA's authority to act on a plan that is finalized in accordance with the conditions set out.

Mr. LAUTENBERG. It is also my understanding that in directing EPA to properly consider the NAS report, the conferees are not intending to change the normal criteria by which EPA selects remedies, such as the factors laid out in CERCLA, the National Contingency Plan, and applicable guidance. Instead, the conferees are asking EPA to disseminate the report to officials within the Agency who make remedy selection decisions and to ask them to review it as part of the larger body of research on scientific and technical issues associated with hazardous waste cleanup. The NAS report is not being singled out for special deference greater than it would otherwise receive.

Mr. BOND. The Senator is correct. The statement of the managers calling for EPA to properly consider the NAS report is not a change in the CERCLA remedy selection process, it is not a call for an EPA response to the report, and is not a direction to give the report more weight than it would otherwise receive.

Mr. LAUTENBERG. It is also my understanding that urgent cases would include situations in which contaminated sediments, either alone or through their accumulation in fish, cause significant risks to public health such as increases in cancer risks, reproductive effects, or birth defects.

Mr. BOND. The Senator is correct.

Ms. MIKULSKI. I concur with the subcommittee chairman and Senator LAUTENBERG.

EPA'S ENDOCRINE DISRUPTOR SCREENING PROGRAM

Mr. SMITH of New Hampshire. Mr. President, I want to call the Senate's attention to a program that the Environmental Protection Agency (EPA) is implementing in a way that I believe is inconsistent with the original intent of Congress. The Endocrine Disruptor Screening Program, EDSP, was created by EPA to implement language in the Food Quality Protection Act, FQPA, and Safe Drinking Water Act Amendments of 1996 requiring that EPA, and I quote, ''develop a screening program, using appropriate validated test systems and other scientifically relevant information, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or other such endocrine effect . . .'' The Program was required to be implemented by August 1, 1999.

This program has been plagued by a lack of public participation from key constituencies, an expansive interpretation of the Congressional mandate, questionable decisions as to the validation of testing protocols, and neglect of money appropriated for the development of non-animal tests.

In October 1996 EPA formed the Endocrine Disruptor Screening and Testing Advisory Committee, EDSTAC, under the Federal Advisory Committee Act to advise EPA on risk assessment techniques for endocrine disrupting chemicals. EDSTAC included scientists and representatives from EPA and other government agencies, industry, national environmental groups, worker protection groups, environmental justice groups, and research scientists. More recently, EPA set up the Endocrine Disruptor Standardization and Validation Task Force to perform the work needed to develop, standardize, and validate the screens and tests proposed for the Program. However, one very important constituency was not included in either of these groups—in fact they were excluded—they are the animal welfare groups. Traditionally, these groups have been left out of the consultation process of EPA regarding the newly initiated chemical testing programs. Any program that includes testing of chemicals for toxicity or other effects involves the use of animals in such testing, however, the groups that advocate for animal welfare were excluded from providing early input in the Endocrine Disruptor Screening Program.

As Chairman of the committee with jurisdiction over the testing and handling of toxic chemicals, the Committee on Environment and Public Works, I am particularly concerned about how this program is being administered. In addition to the lack of public input, a major concern deals with the large number of animals used in testing that could occur as a result of EPA's implementation plan for this program. On August 25, 2000, EPA published a report to Congress on the Endocrine Disruptor Screening Program that sets forth the findings, recommendations and further actions of EPA in implementing the EDSP. The implementation plan that EPA has come up with is broader than the plain language of the FQPA. While obtaining better data on endocrine disruptors is certainly a worthy goal, I am concerned about the expansion of this congressionally mandated program. The broad interpretation by the EPA of the chemicals to test and the method of validation calls into question whether this program will be implemented in a manner consistent with the intent of Congress. All of these expanded interpretations increase the number of test animals needed to implement the program.

The law specifically states that EPA is to ''use appropriately validated tests.'' EPA has interpreted the law to mean that animal tests can be validated through the EPA's own Science Advisory Board, however, non-animal tests must be run through a more rigorous Interagency Coordinating Committee for the Validation of Alternative Methods (ICCVAM) process. ICCVAM was created as a standing committee in 1997 and is composed of representatives of fifteen Federal regulatory or research agencies that regulate the use of animals in toxicology testing; EPA is a co-chair of ICCVAM. The ICCVAM process with input from the EPA Science Advisory Board reviews can ensure that the tests, animal or non-animal, will produce good results. I believe all tests should be assessed for validation by ICCVAM.

My comments up until now have been critical of the plan that EPA has put forth for future implementation of the Endocrine Disruptor Screening Program. Last year, Congress appropriated $5 million for the development and implementation of the test methods including the high throughput prescreen, a non-animal screening process. After spending $70,000, the Agency has stopped working to integrate the high throughput pre-screen into the Endocrine Disruptor Screening Program. Although this specific example concerns me, it is only one example of the general disinterest of EPA in integrating non-animal tests into the program. I

urge the EPA's Office of Research and Development to apportion funds to prioritize research, development and validation of non-animal tests.

Mr. BOND. Thank you for your insight and comments on EPA's Endocrine Disruptor Screening Program. We are in agreement that EPA should implement the Program better. EPA should also pursue the validation and incorporation of non-animal testing as soon as practicable.

Mr. SMITH of New Hampshire. I want to thank the Senator from Missouri for his comments and hope we can continue to work together on the monitoring of this and other EPA programs.

MILITARY RETIREES

Mr. HAGEL. Mr. President, as you know, current law requires that for a military retiree to receive his VA disability compensation he must waive an equal part of his retirement pay. This issue is frequently referred to as ''concurrent receipt,'' because it would involve the simultaneous receipt of two types of benefits.

The service connected disabled military retiree is the only person that is forced to pay for their own disability compensation. A worker in private industry is not forced to pay for his own disability. Likewise, local, State and federal civil servants, appointed and elected officials are not forced to pay for their own disability compensation.

For several years I have worked closely with military retirees and veterans organizations to change the law to permit receipt of all deserved benefits. This is a step that this Congress must take. It is unfair that a person who serves his or her country and has a service-connected disability can't draw both benefits.

Legislation to fix concurrent receipt has been introduced during the past several Congresses. Last year, thanks in great part to the efforts of the Chairman and the Ranking Member of the Senate Armed Services Committee, the Senate took a first step towards fixing this problem by authorizing a concurrent receipt provision for severely disabled military retirees. The existing concurrent receipt restrictions, however, remain in effect.

This year, the Senate again made an effort to solve the concurrent receipt problem. During debate on the Department of Defense Authorization bill, the Senate included an amendment to completely repeal concurrent receipt laws. This would allow all veterans to receive their full disability compensation along with their retired pay. When the conference report to the Defense Authorization bill reached desk of the conferees, however, they were faced with an insurmountable financial problem.

The Defense Authorization conference report that is being considered today contains crucial provisions that will enable the government to fulfill its first priority: to provide a strong national defense. In addition, the Act contains significant and necessary increases in overall defense spending, especially directed at improving morale and retention. One of the most important of these provisions is an amendment, fulfilling a broken promise, which will give the same health care benefits to military retirees as those available to active duty service members. Therefore, I will support the Defense Authorization bill.

However, I want to take this opportunity to declare my intentions and to call upon my colleagues for their support. As part of the annual budget process next year, I will work with my colleague from Nevada, Mr. REID, who has dedicated a great deal of time to this effort, to include budget cap room for concurrent receipt.

I want to remind my colleagues, the service connected disabled military retiree is the only person who is forced to pay for his own disability compensation. It is simply unfair that a person who serves his or her country and has a service-connected disability can't draw both his VA and disability benefits concurrently.

This is a situation that must be fixed and I look forward to working with my colleagues on both sides of the aisle to ensure that our servicemembers, active duty and retired, receive the full benefits that they deserve.

HOUSING NEEDS

Mr. SARBANES. Mr. President, I thank Senators BOND and MIKULSKI for their good work on this year's VA–HUD appropriations bill. Also, I would like to congratulate Secretary Cuomo on the hard work he has done to raise awareness of the critical housing needs many Americans are experiencing around the country.

As the ranking member on the Banking, Housing, and Urban Affairs Committee, I have a very keen interest in the portion of this bill that funds the Department of Housing and Urban Development.

This year's budget is a strong step in the right direction. The bill contains increases in spending for many of the critical housing programs that serve middle- and low-income families.

It includes funding for nearly 80,000 new section 8 housing vouchers. These vouchers will provide additional housing resources for families experiencing critical housing needs.

Funding for the HOME and CDBG programs has been increased by $200 million and $300 million over last year's levels respectively. These are programs that local governments and non-profits rely on to build and rehabilitate affordable housing, as well as revitalize communities.

The Committee has also provided for an increase in the homeless budget, which includes emergency shelter, permanent housing, counseling, and job training services. For the approximately 500,000 people that are homeless in this country on any given night, this additional money will mean a better chance to find a bed in a shelter, a soup kitchen at which to eat, or a permanent home.

They also took the important step of providing a stream of funding to renew Shelter Plus Care vouchers. This will enable local providers to continue to build up the infrastructure they need to serve this vulnerable population.

This year's budget builds on the public housing reform legislation we passed two years ago by increasing the public housing operating and capital funds, enabling local public housing authorities to maintain and invest in their properties.

Also included is a two year extension of The Federal Housing Administration's Down Payment Simplification Program. This will allow the FHA to continue using the simplified formula to extend homeownership to more American families.

Additionally, there is an increase in spending for the Lead Paint Hazard program, a very important program for cities trying to abate the poisonous lead paint found in their housing stock.

Lastly, I want to thank Senators BOND and MIKULSKI for their efforts in pushing one provision that did not make it into the bill, that is, a new housing production program. While I am disappointed that we were unable to achieve this in the end, I appreciate their acknowledgment of the housing crisis our nation is experiencing.

The long-term answer to this problem will have to be the dedication of new resources to building additional housing. While the nearly 80,000 new section 8 vouchers will help to alleviate the severe housing crunch that many working American families experience, I hope we will be able to revisit the topic of production again next year.

All in all, this is a very good bill. I am very pleased and again congratulate my colleagues on a well thought out, well funded, piece of legislation.

Mr. BYRD. Mr. President, as all Senators are aware, I have taken the floor on a number of occasions, not only this year, but over the past several years, to express my concern about the manner in which the Senate was disposing of certain appropriation bills. This year—as in three previous fiscal years, fiscal years 1997, 1999, and 2000—the Senate has, until today, again been unable to take up and debate and amend several fiscal year 2001 appropriations bills; namely, Treasury/General Government, VA/HUD, and Commerce/Justice/State appropriations bills. I have been deeply concerned that the Senate is in danger of becoming a mere adjunct of the House, when it comes to consideration of appropriations bills.

In light of the circumstances in which we find ourselves, so near the end of the 106th Congress, I was pleased to support the unanimous consent agreement entered into yesterday. Under that agreement, the Senate has before it this morning the Fiscal Year 2001 VA/HUD Appropriations bill, as amended by the Senate Appropriations Committee. That Committee-reported bill has been amended by a Committee

substitute offered by Senators BOND and MIKULSKI. Despite the fact that the Senate has not taken up the VA/HUD Appropriations bill until today, the fact is that Chairman BOND and Ranking Member MIKULSKI have worked tirelessly on the substitute before the Senate today. They have worked with the Administration and the other body to pound out an agreement that is acceptable to all parties involved in those negotiations. So, I am pleased that the many hours that they have devoted to this effort have resulted in the agreement now about to be adopted by the Senate. As is always the case, when it comes to appropriations bills, no one is fully satisfied with the final agreements that are reached. I am sure that there are areas where members would prefer to see changes made, but the time has come and gone for us to complete our work on the Fiscal Year 2001 appropriations bills—a fiscal year which began some 12 days ago.

Mr. President, as I explained earlier in my remarks, the Senate, until today, had not taken up the VA/HUD bill, or the Treasury/General Government bill, or the Commerce/Justice/State bill. The amendment at the desk places before the Senate the Committee-reported FY–2001 Treasury/General Government Appropriations bill.

This is the only opportunity that the Senate has had to consider the Treasury/General Government Appropriations bill, other than its being presented to the Senate on September 14th in a combined Legislative Branch and Treasury/General Government conference report, which was unamendable. The inclusion of the Treasury/General Government appropriations in the Legislative Branch conference report was not amendable and precluded the Senate's opportunity to debate and amend the Treasury/General Government bill on the Senate floor. Instead, on September 14th, Senators were asked to vote on the unamendable conference report, which contained not only the Legislative Branch Appropriations for Fiscal Year 2001, but also the Treasury/General Government Appropriations for Fiscal Year 2001. The vote on that combined conference report was 28 yeas and 69 nays. The motion to reconsider that vote is still pending.

Mr. President, it is my understanding that several adjustments to that Legislative Branch and Treasury/General Government conference report have been made in the form of amendments to the Transportation Appropriations bill, which were adopted in conference and were included as part of the Transportation conference report, which has now passed both Houses of Congress and is awaiting the President's signature. I do not intend to discuss those amendments in detail at this time, but instead will point out that a concern by Senator REID regarding the selection of a chief administrative officer for the Capitol Police has been resolved in that Transportation conference, together with substantial increases in funding for the IRS and certain other matters pertaining to the Treasury/General Government portion of that combined conference report.

As a result of these amendments regarding the Legislative Branch and Treasury/General Government conference report, it is my understanding that that conference report is now acceptable to the Chairmen and Ranking Members of those two Subcommittees, and I believe it is the intention of the Leadership to bring up and dispose of that combined Legislative Branch and Treasury/General Government conference report immediately following completion of consideration of the VA/HUD Appropriations conference report, which is currently before the Senate.

Mr. President, I urged the Leaders to allow for the amendment to put before the Senate the Treasury/General Government Appropriations bill, as reported by the Appropriations Committee, in order to preserve, at least to some extent, the Senate's right to take up appropriations bills prior to their being inserted into unamendable conference reports. I appreciate that the Leaders accommodated my request. Although, under the unanimous consent agreement, there will be no opportunity to amend the Treasury/General Government Appropriations bill, at least we have preserved the Senate's right to consider it. I am encouraged by the fact that the Majority Leader, at this late hour of the session, has attempted, as best he could, to allow some semblance of Senate consideration of the VA/HUD and the Treasury/General Government appropriations bills. I am hopeful that a similar agreement can be reached on the one remaining appropriations bill which the Senate has not yet acted upon—the Commerce/Justice/State Appropriations bill.

I am also very hopeful that we can find a way to ensure that the Senate can return to the regular appropriations process in the next Congress and all congresses thereafter, whereby appropriations bills are reported by the Committee and taken up in the Senate for debate and amendment prior to their being inserted into unamendable conference reports.

Mr. KOHL. Mr. President, I would like to take a moment to explain my votes on the amendments offered by Senator BOXER to the VA–HUD Appropriations bill relating to legislative riders that were attached to the bill. Included in the bill were provisions that would potentially delay the issuance of rules on arsenic, the declaration of new ozone non-attainment areas, and ordering dredging for the clean up of PCB's. Senator BOXER offered amendments that would have eliminated or weakened these provisions. She has worked hard for our environment, and has been a leader on ecological issues, so I regret I had to vote against her proposals. Unfortunately I had to oppose her for several reasons. First, the amendments, if accepted would have seriously disrupted Congress's efforts to complete our work on the budget. These amendments would have resulted in additional delays, and could have jeopardized the fate of the bill.

I was also concerned because the Administration did not oppose, and did not agree with the dire assessment of the effects of these riders. Staff at the EPA do not believe that these riders will result in any significant delays. EPA does not believe that the dredging language included in the bill will delay action on the Fox River in my state, but it will ensure that we use the best science available when EPA develops clean up plans.

Senators BOND and MIKULSKI, along with the Administration, have done their best to neuter destructive language that was included in the House version of this bill, and I think they have done well. We would prefer that these riders not be included at all, but if they must, at least they were included in a way that is unlikely to have any negative effect on the environment.

Mr. LEVIN. Mr. President, I am very pleased that this year's VA, HUD Appropriations bill contains $1 million for the City of Detroit for the Detroit River walkway or promenade. The riverfront is a focal point of Detroit's redevelopment efforts in connection with the City's upcoming 300th anniversary and plans are underway to construct an extensive, pedestrian-friendly walkway or promenade along the shoreline. I have personally been able to obtain support from this body for that purpose. The grant provided for in this bill will help defray the costs of the project, such as land acquisition, walkway installation and building demolition, and will help give Detroit a world-class waterfront.

We also have before the Senate today two very important amendments to this bill. The first would strike language in the report which delays the Environmental Protection Agency from making a final regulation for arsenic in drinking water. The National Academy of Sciences has found that the current regulations for the levels of arsenic in our water are unacceptable. The Environmental Protection Agency has proposed to lower the standard from the current 50 parts per billion to 5 parts per billion. I support that proposal and regret that I had to vote against this amendment. However, this amendment contained two provisions and it is the other provision I do not support.

That part of this amendment would strike language in the report which prevents the Environmental Protection Agency from designating an area in nonattainment under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone. I agree that an ozone standard should be in place to protect public health and

the environment. However, the Environmental Protection Agency's authority to issue the 8-hour standard is currently under review by the United States Supreme Court. The Court will hear argument on November 7 to decide whether to uphold a Court of Appeals decision that invalidated the 8-hour standard on the grounds that the agency had assumed an ''unconstitutional delegation of legislative power.'' Even the EPA has agreed that it cannot actually implement efforts with respect to the 8-hour standard. Until the Supreme Court hears this case, we do not know whether the EPA even had the authority to make this new rule. Therefore, I agree that the EPA should refrain from using the standard—a standard that may be struck down as unenforceable—until the Supreme Court has made its determination regarding the constitutionality of the EPA's actions.

Now this isn't a frivolous matter. A nonattainment designation can detrimentally affect an area and, if not justified, would cause needless economic hardship, such as costly transportation conformity measures, should the Supreme Court rule that the 8-hour standard is unenforceable. Further, this standard could impose unfair economic burdens on a number of communities in Michigan that suffer from significant ozone and other pollution transported from more severely polluted areas. And it could be all for nought if the Supreme Court strikes down the standard.

Mr. President, I support the goals of the Clean Air Act. However, it needs to be applied in a common sense equitable manner if it is to retain the support of the American People. It is not equitable to designate an area in nonattainment if that designation may become null and void in a matter of months. For these reasons I voted against the Boxer Amendment.

Mr. SAM JOHNSON of Texas. Mr. President, I am pleased that, with my support, the Senate took another step today toward fulfilling our country's commitment to provide health care for our veterans. The fiscal year 2001 VA–HUD Appropriations Conference Report that passed the Senate this afternoon contains a $1.4 billion increase in veterans health care funding from the last year's appropriations level.

While I am pleased that we have finally come around to talking about additional funding for veterans health care, as opposed to three years of flatline budget levels, I am disappointed that the funding level in the FY2001 VA–HUD Appropriations Conference Report falls short of the level proposed by veterans organizations.

The authoritative Independent Budget is produced by major veterans organizations including AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, and the VFW. The Independent Budget and The American Legion agree that the Veterans Administration will need at least $500 million more in funding than provided by this conference report.

I am pleased to have led the effort last year in the Senate to increase veterans health care funding. Through my efforts on the Senate Budget Committee and on the Senate floor, we were able to start reversing the negative effects of three years of flat-lined veterans health care budgets with an increase of $1.7 billion. I am pleased that my efforts appear to have convinced the Administration and Members of Congress to start talking about increases in veterans health care funding instead of keeping this budget stagnant.

This year, I was successful in getting a bipartisan amendment passed to the Senate Budget Resolution that added an additional $1.9 billion to last year's funding for veterans health care. The conference report that passed the Senate today fell $500 million short of this goal and will prevent the VA from adequately funding a number of important programs including medical care, research, long term care, and necessary facility construction and renovation.

While the $1.4 billion increase in this year's VA budget and the $1.7 billion increase from last year are important improvements, I'm afraid the funds are simply providing budgetary backfill for the years when the veterans health care needs were ignored. We need a VA veterans' health care budget that can adequately offset years of underfunding, the higher costs of medical care caused by consumer inflation, wage increases, and legislation passed by Congress. For the first time in a number of years, we're working with overall budget surpluses instead of budget deficits. Clearly, the funds are there to provide for veterans health care. It is simply a question of whether the political will is there to make veterans health care a priority instead of an afterthought.

As a member of the Senate Budget Committee, I will continue to do all I can to encourage my colleagues to approve adequate funding levels for veterans health care. I look forward to continue working on a bipartisan basis with my Senate colleagues as well as with representatives of the veterans community in South Dakota.

Mr. WELLSTONE. Mr. President. I rise to speak about a provision in the VA, HUD and Independent Agencies Appropriations bill, which was passed by the Senate today. Specifically, I want to speak about the substantial backlog of civil rights claims that have been filed with the Environmental Protection Agency's, EPA, Office of Civil Rights, OCR.

As my colleagues know, Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance. For thirty-five years, this law has been a cornerstone of our nation's civil rights protections. To better implement Title VI in federal environmental programs, President Clinton issued an Executive Order in 1994 requiring each federal agency ''to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations.''

Under EPA's Title VI implementing regulations, 40 CFR Section 7, EPA-funded permitting agencies are prohibited from taking actions in the permitting process that are intentionally discriminatory or have a discriminatory effect based on race, color, or national origin. Under these regulations OCR is required to ''promptly'' investigate all complaints filed under Title VI unless all parties agree to a delay [40 CFR Section 7.120]. OCR is first required to initiate complaint proceedings within 5 days of receipt of a complaint [40 CFR Section 7.120(d)]. Then it must review the complaint for acceptance, rejection, or referral to another agency and make a determination within 25 days of the receipt of the complaint [40 CFR Section 7.120(d)(1)]. If a complaint is accepted, EPA must make a preliminary finding in the matter, including recommendations, if any, for achieving voluntary compliance, and OCR must notify the recipient of these finding within 180 days of the start of the complaint investigation. [40 CFR Section 7.120(d)(2)].

Unfortunately according to the OCR's most recent log of cases filed on October 4, 2000, 103 Title VI claims have been filed since September 1993. Of these, over half, 56 cases, are still pending. The remainder were either rejected or dismissed over jurisdictional issues. Eleven of the still active cases have been pending for 5 years or more, without resolution. Only one case has been resolved by a decision of the OCR, which found that there was not a legally recognizable ''adverse impact'' on the community and denied the community's request for reconsideration.

To further complicate resolution for these civil rights claims, in 1998 a rider was inserted in the VA–HUD Appropriations bill that blocked the implementation or administration of the interim Guidance to enforce Title VI claims issued on February 5, 1998. This rider has effectively stopped the EPA from investigating and responding to claims of race or national origin discrimination that have been filed with the Agency after October, 1998. That same rider has been on all subsequent VA/HUD bills, including this one.

This summer the EPA revised it's Guidance, which was noticed in the Federal Register for public comment. The revision is titled ''Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits.'' I am pleased that the rider,

included in this VA/HUD Appropriations bill, would not apply to the EPA's revised Guidance.

However a there still remains a large backlog of cases to be acted upon. There were 35 complaints filed after the first rider in 1998. To date only one has been accepted for investigation. Although the step of acceptance or rejection is required under Federal Regulation within 25 days of the receipt of the complaint, 34 of these complaints are more than 25 days old and over half of them, 20 of 34 cases, have been ''under review'' for more than a year.

The EPA's own regulations are clear, regardless of any Guidance. Furthermore, the rider does not account for the entire backlog of unresolved complaints. There are still 21 complaints pending that were filed before the rider blocking the EPA's 1998 Guidance went into effect. Of these cases, 19 have been accepted, but no preliminary findings have been made. Two cases are still under review after 4½ years, and as you will recall the deadline in the federal regulations for accepting cases is 25 days from the initial complaint date. And again, half of the still active cases,—11 of 21—have been pending for 5 years or more, without resolution.

It appears the EPA is out of compliance with it's own regulations for processing civil rights complaints, both for cases filed before and after the effect of the rider. While the rider has no doubt been a hindrance to the Agency, it clearly does not absolve the Agency of its responsibilities under the 36 year old civil rights law. And the Agency's own regulations lay out a clear framework for processing and acting on complaints.

Several environmental and civil rights organizations have written to Congressional leaders on this backlog. Mr. President, I ask unanimous consent that a letter to the VA, HUD and Independent Agencies Subcommittee from the NAACP, and a letter from the Earthjustice Legal Defense Fund be entered into the RECORD following my statement.

In closing, I am pleased the Administration appears to be working to finalize the revised Guidance. However, I remain concerned that the EPA has established no clear way of dealing with the backlog of civil rights claims that have built up over the past seven years.

Therefore, as a Senator from Minnesota, I call on the EPA, as expeditiously as possible, to resolve the many backlogged civil rights claims, several of which have been pending for years. Only then will we be able to fulfill the intent of the landmark 1964 Civil Rights Act.

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

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, October 11, 2000.

Hon. CHRISTOPHER S. BOND, Chairman,
Hon. BARBARA MIKULSKI, Ranking Member,
VA, HUD, and Independent Agencies Subcommittee, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR BOND AND SENATOR MIKULSKI: The National Association for the Advancement of Colored People, the nation's oldest and largest grassroots civil rights organization, strongly opposes the anti-civil rights, anti-environmental rider in the House version of the VA, HUD, and Independent Agencies Appropriations bill that, for the third year in a row, attempts to interfere with the obligation of the Environmental Protection Agency (EPA) to investigate and resolve Title VI Civil Rights complaints filed with its Office of Civil Rights. We urge you to not accept this rider in the final version of the bill, and to instead insist on bill language that requires the EPA to begin immediately resolving the growing backlog of civil rights complaints filed since 1993 by communities of color struggling for environmental justice.

The rider, as well as the backlog of civil rights complaints, has had the effect of undermining one of the most important laws in this country, Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin. The NAACP worked for the enactment of Title VI and continues to work against any actions that may result in racial discrimination. Therefore, we are deeply troubled by acts of Congress and actions of government agencies that may result in having a disparate impact on communities of color.

Any community in this nation that feels that it is threatened by a state environmental agency decision must have access to legal recourse to address its concerns. Historically, these communities have been low-income areas with high concentrations of African Americans, Latino Americans and Asian Americans. The fact that communities of color are disproportionately over-represented among communities with these complaints leads to inevitable concerns that their basic civil rights are being violated. According to the EPA's Office of Civil Rights, there are now 56 complaints lodged with the agency that remain unresolved. Many of these claims were filed with the EPA several years ago. However, the agency has not even notified complainants about whether their complaints have been accepted or rejected—a duty required of the EPA by federal regulations. Of the 21 unresolved complaints that were accepted for investigation, over half were filed more than five years ago. The EPA has failed to render preliminary findings for all of the complaints accepted for investigation. However, federal regulations require the EPA to make preliminary findings within 180 days of the complaint's acceptance for investigation. EPA's failure to comply with federal regulations has blocked resolution of civil rights complaints. As a result, people of color who lack the resources for federal court civil rights litigation are effectively denied access to legal redress at the administrative level. This is a completely unacceptable situation.

The House anti-civil rights, anti-environmental rider makes a bad situation worse. For the last two years and as proposed for next year, the riders expressly prohibit the EPA from investigating and resolving new civil rights complaints. The result has been a maintaining the status quo of concentrating polluting sources in communities of color. By blocking the EPA from developing and implementing concrete manners of resolving these complaints, the rider creates a chilling effect on the EPA for investigating the backlog of complaints. As a result, the riders clearly have added to the problem of the growing backlog of unresolved civil rights complaints.

The rider is an unjust denial of a civil rights remedy for people of color struggling to protect their children and communities from environmental hazards and pollution. It violates the spirit, if not the outright language, of the Constitution of the United States that guarantees every American the right to ''life, liberty and the pursuit of happiness.''

We urge you to delete all language from the final bill that could interfere with EPA's ability to investigate civil rights violations, and to insert into the final bill a provision that requires the EPA to resolve the backlog of civil rights complaints as expeditiously as possible. I hope that you will feel free to contact me with any questions or comments you may have on this matter. I look forward to working with you to ensure that the rights of all Americans are protected.

Sincerely,

HILARY O. SHELTON,
Director.

EARTHJUSTICE,
LEGAL DEFENSE FUND,
October 12, 2000.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: EarthJustice Legal Defense Fund is a non-profit environmental law firm whose mission is to enforce laws that protect our environment through litigation and advocacy. One of these laws is Title VI of the Civil Rights Act, which expressly prohibits discrimination on the basis of race, color or national origin in federally-funded programs. In 1993, the New Orleans office of Earthjustice successfully represented African American citizens groups in Mississippi by filing the first Title VI Civil Rights complaint with the Environmental Protection Agency (''EPA''), which was against the state's environmental programs that concentrated waste sites in African American communities. Our civil rights complaint protected Mississippi citizens, who were unfairly targeted for additional proposed waste sites.

Clearly, Title VI of the Civil Rights Act is an important remedy to protect people of color who are disproportionately burdened by toxic facilities and waste sites. There have been numerous governmental and academic reports that demonstrate the racial disparities that exist in environmental permitting decisions, which concentrate polluting sources in communities of color. The gains that people of color have made in the struggle for environmental justice have heightened public awareness about this form of racism and established institutional changes at the EPA and other government agencies to address this issue. However, actions taken by Congress over the past three years have taken away the ability of people of color to exercise their civil rights in defense of their health and environment.

The right of citizens to seek legal redress—a cornerstone of our democracy—is blocked by Congressional riders that have prevented the EPA from investigating civil rights complaints for the last two years. This rider is also inserted in this year's VA, HUD, and Independent Agencies bill. Through this rider, Congress has effectively repealed civil rights protections for people who live in fear of industrial accidents and daily breath a cocktail of toxic chemicals spewed by facilities and waste sites in their neighborhoods. As a result of the rider, there has been an increase in the number of civil rights complaints filed with the EPA by people of color

that go unanswered. There are now 56 civil rights complaints pending before the EPA's Office of Civil Rights that remain unaddressed, in violation of the agency's own Title VI regulations requiring prompt resolution of claims. The rider's offensive prohibition against investigating new civil rights complaints with tools and analyses developed by the EPA silences people of color. We find that such legislation is a dangerous erosion of our civil rights, which opens the door to new riders that can dismantle civil rights protections in housing, education, employment, and transportation. We find it profoundly disturbing that with one brushstroke of a pen, Congress can set back the gains of the civil rights movement in this country.

The anti-civil rights and anti-environmental rider in the present VA, HUD, and Independent Agencies bill sets a dangerous precedent in this country for taking away the rights of citizens. We deeply appreciate your leadership in opposing this rider and supporting a safe and healthy environment for all communities.

Sincerely,

MONIQUE HARDEN,
Staff Attorney.
JOAN MULHERN,
Senior Legislative Counsel.

Mr. BOND. Mr. President, have the yeas and nays been ordered? I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOND. Before we begin the vote, I urge all my colleagues to support this measure. Senator MIKULSKI and I have worked long and hard. Obviously, we have not made everybody happy, but that is not in our power. We hope we have done well by all of the functions and all of the facilities and departments we serve. We hope our colleagues will be sullen but not rebellious and join us in passing a measure which has so many good things to provide for veterans, housing, environment, space, science, and emergency management.

Again, I thank all my colleagues for their indulgence as we had to go through this unusual episode. I thank our staff, Jon Kamarck, Carolyn Apostolou, Cheh Kim, and Joe Norrell. On the minority side, Paul Carliner and Alexa Mitrakos have been outstanding.

The most valuable ally I have on this measure is the very distinguished Senator from Maryland, Ms. MIKULSKI, to whom I am deeply grateful, and I appreciate her leadership and guidance.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I echo the expression of thanks to our staff and to our colleagues. I urge we move immediately to a vote and serve the Nation.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

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

The result was announced—yeas 87, nays 8, as follows:

[Rollcall Vote No. 272 Leg.]

YEAS—87

Abraham	Durbin	Mikulski
Akaka	Edwards	Miller
Ashcroft	Enzi	Moynihan
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Murray
Bennett	Gorton	Nickles
Biden	Grassley	Reed
Bingaman	Gregg	Reid
Bond	Hagel	Robb
Boxer	Harkin	Roberts
Breaux	Hatch	Rockefeller
Brownback	Hollings	Roth
Bryan	Hutchinson	Santorum
Bunning	Hutchison	Sarbanes
Burns	Inouye	Schumer
Byrd	Jeffords	Sessions
Campbell	Johnson	Shelby
Chafee, L.	Kerrey	Smith (NH)
Cleland	Kerry	Smith (OR)
Cochran	Kohl	Snowe
Collins	Landrieu	Specter
Conrad	Lautenberg	Stevens
Craig	Leahy	Thomas
Crapo	Levin	Thompson
Daschle	Lincoln	Thurmond
DeWine	Lott	Torricelli
Dodd	Lugar	Warner
Domenici	Mack	Wellstone
Dorgan	McConnell	Wyden

NAYS—8

Allard	Gramm	McCain
Feingold	Inhofe	Voinovich
Graham	Kyl	

NOT VOTING—5

Feinstein	Helms	Lieberman
Grams	Kennedy	

The bill (H.R. 4635), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4635) entitled ''An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $22,766,276,000, to remain available until expended: Provided, That not to exceed $17,419,000 of the amount appropriated shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,634,000,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to the account: Provided further, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $19,850,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2001, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $162,000,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $220,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $52,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,726,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $432,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $532,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $20,281,587,000, plus reimbursements: Provided, That of the funds made available under this heading, $900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2001, and shall remain available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $500,000,000 shall be available until September 30, 2002: Provided further, That of the funds made available under this heading, not to exceed $28,134,000 may be transferred to and merged with the appropriation for ''General operating expenses'': Provided further, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

None of the foregoing funds may be transferred to the Department of Justice for the purposes of supporting tobacco litigation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2002, $351,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $62,000,000 plus reimbursements: Provided, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2001.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,050,000,000: Provided, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $45,000,000 shall be available until September 30, 2002: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $109,889,000: Provided, That travel expenses shall not exceed $1,125,000: Provided further, That of the amount made available under this heading, not to exceed $125,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $46,464,000: Provided, That of the amount made available under this heading, not to exceed $28,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $66,040,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2001, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2001; and (2) by the awarding of a construction contract by September 30, 2002: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $162,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2001 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2001 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2000.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2001 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2001, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2001, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2001, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. Notwithstanding any other provision of law, collections authorized by the Veterans Millennium Health Care and Benefits Act (Public Law 106–117) and credited to the appropriate Department of Veterans Affairs accounts in fiscal year 2001, shall not be available for obligation or expenditure unless appropriation language making such funds available is enacted.

SEC. 109. In accordance with section 1557 of title 31, United States Code, the following obligated balance shall be exempt from subchapter IV of chapter 15 of such title and shall remain available for expenditure until September 30, 2003: funds obligated by the Department of Veterans Affairs for a contract with the Institute for Clinical Research to study the application of artificial neural networks to the diagnosis and treatment of prostate cancer through the Cooperative DoD/VA Medical Research program from funds made available to the Department of Veterans Affairs by the Department of Defense Appropriations Act, 1995 (Public Law 103–335) under the heading ''Research, Development, Test and Evaluation, Defense-Wide''.

SEC. 110. As HR LINK$ will not be part of the Franchise Fund in fiscal year 2001, funds budgeted in customer accounts to purchase HR LINK$ services from the Franchise Fund shall be transferred to the General Administration portion of the ''General operating expenses'' appropriation in the following amounts: $78,000 from the ''Office of Inspector General'', $358,000 from the ''National cemetery administration'', $1,106,000 from ''Medical care'', $84,000 from ''Medical administration and miscellaneous operating expenses'', and $38,000 shall be reprogrammed within the ''General operating expenses'' appropriation from the Veterans Benefits Administration to General Administration for the same purpose.

SEC. 111. Not to exceed $1,600,000 from the ''Medical care'' appropriation shall be transferred to the ''General operating expenses'' appropriation to fund personnel services costs of employees providing legal services and administrative support for the Office of General Counsel.

SEC. 112. Not to exceed $1,200,000 may be transferred from the ''Medical care'' appropriation to the ''General operating expenses'' appropriation to fund contracts and services in support of the Veterans Benefits Administration's Benefits Delivery Center, Systems Development Center, and Finance Center, located at the Department of Veterans Affairs Medical Center, Hines, Illinois.

SEC. 113. Not to exceed $4,500,000 from the ''Construction, minor projects'' appropriation and not to exceed $2,000,000 from the ''Medical care'' appropriation may be transferred to and merged with the Parking Revolving Fund for surface parking lot projects.

SEC. 114. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for ''Medical care'' appropriations of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in Veterans Integrated Service Network 12 (VISN 12) until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $13,940,907,000 and amounts that are recaptured in this account to remain available until expended: Provided, That of the total amount provided under this heading, $12,972,000,000, of which $8,772,000,000 shall be available on October 1, 2000 and $4,200,000,000 shall be available on October 1, 2001, shall be for assistance under the United States Housing Act of 1937 (''the Act'' herein) (42 U.S.C. 1437): Provided further, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937 (47 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That amounts available under the first proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That $11,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That of the total amount provided under this heading, $452,907,000 shall be made available for incremental vouchers under section 8 of the United States Housing Act of 1937 on a fair share basis and administered by public housing agencies: Provided further, That of the total amount provided under this heading, up to $7,000,000 shall be made available for the completion of the Jobs

Plus Demonstration: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: Provided further, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That $1,833,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading ''Annual Contributions for Assisted Housing'' or any other heading for fiscal year 2000 and prior years: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission: Provided further, That the Secretary shall have until September 30, 2001, to meet the rescission in the proviso preceding the immediately preceding proviso: Provided further, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $3,000,000,000, to remain available until expended, of which up to $50,000,000 shall be for carrying out activities under section 9(h) of such Act, for lease adjustments to section 23 projects and $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: Provided further, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2001.

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,242,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFERS OF FUNDS)

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $3,000,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training) for oversight, training and improved management of this program, $2,000,000 shall be available to the Boys and Girls Clubs of America for the operating and start-up costs of clubs located in or near, and primarily serving residents of, public housing and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996, and $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, $20,000,000 shall be available for the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug-related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $575,000,000 to remain available until expended, of which the Secretary may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $650,000,000, to remain available until expended, of which $6,000,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees: Provided further, That of the amount provided in this heading, $2,000,000 shall be transferred to the Working Capital Fund for development and maintaining information technology systems.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $258,000,000, to remain available until expended: Provided, That the Secretary shall renew all expiring contracts that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: Provided further, That the Secretary may use up to 1 percent of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000 to remain available until expended, which amount shall be awarded by June 1, 2001, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For grants in connection with a second round of empowerment zones and enterprise communities, $90,000,000, to remain available until expended: Provided, That $75,000,000 shall be available for the Secretary of Housing and Urban Development for ''Urban Empowerment Zones'', as authorized in the Taxpayer Relief Act of 1997, including $5,000,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone: Provided further, That $15,000,000 shall be available to the Secretary of Agriculture for grants for designated empowerment zones in rural areas and for grants for designated rural enterprise communities.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $5,057,550,000: Provided, That of the amount provided, $4,410,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301), to remain available until September 30, 2003: Provided further, That $71,000,000 shall be for grants to Indian

tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $2,600,000 shall be available as a grant to the National American Indian Housing Council, $10,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation, and $45,500,000 shall be for grants pursuant to section 107 of the Act of which $3,000,000 shall be made available to support Alaska Native serving institutions and native Hawaiian serving institutions, as defined under the Higher Education Act, as amended, and of which $3,000,000 shall be made available to tribal colleges and universities to build, expand, renovate, and equip their facilities: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the department: Provided further, That $15,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That $20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program.

Of the amount made available under this heading, $28,450,000 shall be made available for capacity building, of which $25,000,000 shall be made available for ''Capacity Building for Community Development and Affordable Housing'', for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, of which not less than $5,000,000 of the funding shall be used in rural areas, including tribal areas, and of which $3,450,000 shall be made available for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $44,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, that any unobligated balances of amounts set aside for neighborhood initiatives in fiscal years 1998, 1999, and 2000 may be utilized for any of the foregoing purposes: Provided further, That these grants shall be provided in accord with the terms and conditions specified in the statement of managers accompanying this conference report.

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than ten percent of any grant award may be used for administrative costs: Provided further, That not less than $10,000,000 shall be available for grants to establish YouthBuild programs in underserved and rural areas: Provided further, That of the amount provided under this paragraph, $4,000,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amounts made available under this heading, $2,000,000 shall be available to the Utah Housing Finance Agency for the temporary use of relocatable housing during the 2002 Winter Olympic Games provided such housing is targeted to the housing needs of low-income families after the Games.

Of the amount made available under this heading, $292,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,800,000,000 to remain available until expended: Provided, That up to $20,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $1,025,000,000, to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to 1.5 percent of the funds appropriated under this heading is transferred to the Working Capital Fund to be used for technical assistance for management information systems and to develop an automated, client-level Annual Performance Report System: Provided further, That $500,000 shall be made available to the Interagency Council on the Homeless for administrative needs.

SHELTER PLUS CARE RENEWALS

For the renewal on an annual basis of contracts expiring during fiscal years 2001 and 2002 under the Shelter Plus Care program, as authorized under subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, $100,000,000, to remain available until expended: Provided, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

(INCLUDING TRANSFER OF FUNDS)

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $996,000,000, to remain available until expended: Provided, That $779,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing, of which amount $50,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects and of which amount $50,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use: Provided further, That of the amount under this heading, $217,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That $1,000,000, to be divided evenly between the appropriations for the section 202 and section 811 programs, shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for

section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate, or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2000, and any collections made during fiscal year 2001, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2001, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $160,000,000,000.

During fiscal year 2001, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $250,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for ''Salaries and expenses''; and not to exceed $4,022,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses, $160,000,000, of which $96,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2001 an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $101,000,000, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $21,000,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000, of which $193,134,000, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $18,321,000 shall be transferred to the appropriation for ''Office of Inspector General''. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000, of which $33,500,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: Provided, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2001, an additional $19,800,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2002.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $53,500,000, to remain available until September 30, 2002: Provided, That of the amount provided under this heading, $10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: Provided further, That $3,000,000 shall be for program evaluation to support strategic planning, performance measurement, and their coordination with the Department's budget process: Provided further, That $500,000, to remain available until expended, shall be for a commission as established under section 525 of Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,000,000, to remain available until September 30, 2002, of which $24,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $100,000,000 to remain available until expended, of which $1,000,000 shall be for CLEARCorps and $10,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,072,000,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development fund'' account, $150,000 shall be provided by transfer from the ''Title VI Indian federal guarantees program'' account, and $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That not more than $758,000,000 shall be made available to the personal services object class: Provided further, That no less than $100,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of Information Technology Systems: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of this provision by two and one-half percent: Provided further, That the Secretary shall submit a staffing plan for the Department by May 15, 2001: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs or in any position in the Department where the employee reports to an employee of the Office of Public Affairs.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $85,000,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for ''Drug elimination grants for low-income housing'': Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $22,000,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2001 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. (a) ELIGIBILITY.—Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2001 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2001 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2001 do not have the number of cases of acquired immunodeficiency syndrome required under such clause.

(b) AMOUNT.—The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2001, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) ENVIRONMENTAL REVIEW.—Section 856 of the Act is amended by adding the following new subsection at the end:

''(h) ENVIRONMENTAL REVIEW.—For purposes of environmental review, a grant under this subtitle shall be treated as assistance for a special project that is subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

ENHANCED DISPOSITION AUTHORITY

SEC. 204. Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, is amended by striking ''and 2000'' and inserting ''2000, and thereafter''.

MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS

SEC. 205. Section 8(t)(1)(B) of the United States Housing Act of 1937 is amended by inserting ''and any other reasonable limit prescribed by the Secretary'' immediately before the semicolon.

DUE PROCESS FOR HOMELESS ASSISTANCE

SEC. 206. None of the funds appropriated under this or any other Act may be used by the Secretary of Housing and Urban Development to prohibit or debar or in any way diminish the responsibilities of any entity (and the individuals comprising that entity) that is responsible for convening and managing a continuum of care process (convenor) in a community for purposes of the Stewart B. McKinney Homeless Assistance Act from participating in that capacity unless the Secretary has published in the Federal Register a description of all circumstances that would be grounds for prohibiting or debarring a convenor from administering a continuum of care process and the procedures for a prohibition or debarment: Provided, That these procedures shall include a requirement that a convenor shall be provided with timely notice of a proposed prohibition or debarment, an identification of the circumstances that could result in the prohibition or debarment, an opportunity to respond to or remedy these circumstances, and the right for judicial review of any decision of the Secretary that results in a prohibition or debarment.

HUD REFORM ACT COMPLIANCE

SEC. 207. Except as explicitly provided in legislation, any grant or assistance made pursuant to Title II of this Act shall be made in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 on a competitive basis.

EXPANSION OF ENVIRONMENTAL ASSUMPTION AUTHORITY FOR HOMELESS ASSISTANCE PROGRAMS

SEC. 208. Section 443 of the Stewart B. McKinney Homeless Assistance Act is amended to read as follows:

''SEC. 443. ENVIRONMENTAL REVIEW.

''For purposes of environmental review, assistance and projects under this title shall be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994, and shall be subject to the regulations issued by the Secretary to implement such section.''.

TECHNICAL AMENDMENTS AND CORRECTIONS TO THE NATIONAL HOUSING ACT

SEC. 209. (a) SECTION 203 SUBSECTION DESIGNATIONS.—Section 203 of the National Housing Act is amended by—

(1) redesignating subsection (t) as subsection (u);

(2) redesignating subsection (s), as added by section 329 of the Cranston-Gonzalez National Affordable Housing Act, as subsection (t); and

(3) redesignating subsection (v), as added by section 504 of the Housing and Community Development Act of 1992, as subsection (w).

(b) MORTGAGE AUCTIONS.—The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by inserting after ''December 31, 2002'' the following: '', except that this subparagraph shall continue to apply if the Secretary receives a mortgagee's written notice of intent to assign its mortgage to the Secretary on or before such date''.

(c) MORTGAGEE REVIEW BOARD.—Section 202(c)(2) of the National Housing Act is amended—

(1) in subparagraph (E), by striking ''and'';

(2) in subparagraph (F), by striking ''or their designees.'' and inserting ''and'';

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

''(G) the Director of the Enforcement Center; or their designees.''.

INDIAN HOUSING BLOCK GRANT PROGRAM

SEC. 210. Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6) respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) LAW ENFORCEMENT OFFICERS.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act to a law enforcement officer on the reservation or other Indian area, who is employed full-time by a Federal, state, county or tribal government, and in implementing such full-time employment is sworn to uphold, and make arrests for violations of Federal, state, county or tribal law, if the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.''.

PROHIBITION ON THE USE OF FEDERAL ASSISTANCE IN SUPPORT OF THE SALE OF TOBACCO PRODUCTS

SEC. 211. None of the funds appropriated in this or any other Act may be used by the Secretary of Housing and Urban Development to provide any grant or other assistance to construct, operate, or otherwise benefit a facility, or facility with a designated portion of that facility, which sells, or intends to sell, predominantly cigarettes or other tobacco products. For the purposes of this provision, predominant sale of cigarettes or other tobacco products means cigarette or tobacco sales representing more than 35 percent of the annual total in-store, non-fuel, sales.

PROHIBITION ON IMPLEMENTATION OF PUERTO RICO PUBLIC HOUSING ADMINISTRATION SETTLEMENT AGREEMENT

SEC. 212. No funds may be used to implement the agreement between the Commonwealth of Puerto Rico, the Puerto Rico Public Housing Administration, and the Department of Housing and Urban Development, dated June 7, 2000, related to the allocation of operating subsidies for the Puerto Rico Public Housing Administration unless the Puerto Rico Public Housing Administration and the Department of Housing and Urban Development submit by December 31, 2000 a schedule of benchmarks and measurable goals to the House and Senate Committees on Appropriations designed to address issues of mismanagement and safeguards against fraud and abuse.

HOPE VI GRANT FOR HOLLANDER RIDGE

SEC. 213. The Housing Authority of Baltimore City may use the grant award of $20,000,000 made to such authority for development efforts at Hollander Ridge in Baltimore, Maryland with funds appropriated for fiscal year 1996 under the heading ''Public Housing Demolition, Site Revitalization, and Replacement Housing Grants'' for use, as approved by the Secretary of Housing and Urban Development—

(1) for activities related to the revitalization of the Hollander Ridge site; and

(2) in accordance with section 24 of the United States Housing Act of 1937.

COMPUTER ACCESS FOR PUBLIC HOUSING RESIDENTS

SEC. 214. (a) USE OF PUBLIC HOUSING CAPITAL AND OPERATING FUNDS.—Section 9 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(E), by inserting before the semicolon the following: '', including the establishment and initial operation of computer centers in and around public housing through a Neighborhood Networks initiative, for the purpose of enhancing the self-sufficiency, employability, and economic self-reliance of public housing residents by providing them with onsite computer access and training resources'';

(2) in subsection (e)(1)—

(A) in subparagraph (I), by striking the word ''and'' at the end;

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

(C) by adding after subparagraph (J) the following:

''(K) the costs of operating computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E), and of activities related to that initiative.''; and

(3) in subsection (h)—

(A) in paragraph (6), by striking the word ''and'' at the end;

(B) in paragraph (7), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) assistance in connection with the establishment and operation of computer centers in public housing through a Neighborhood Networks initiative described in subsection (d)(1)(E).''.

(b) DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR PROJECTS.—Section 24 of the United States Housing Act of 1937 is amended—

(1) in subsection (d)(1)(G), by inserting before the semicolon the following: '', including a Neighborhood Networks initiative for the establishment and operation of computer centers in public housing for the purpose of enhancing the self-sufficiency, employability, an economic self-reliance of public housing residents by providing them with onsite computer access and training resources''; and

(2) in subsection (m)(2), in the first sentence, by inserting before the period the following '', including assistance in connection with the establishment and operation of computer centers in public housing through the Neighborhoods Networks initiative described in subsection (d)(1)(G)''.

MARK-TO-MARKET REFORM

SEC. 215. Notwithstanding any other provision of law, the properties known as the Hawthornes in Independence, Missouri shall be considered eligible multifamily housing projects for purposes of participating in the multifamily housing restructuring program pursuant to title V of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65).

SECTION 236 EXCESS INCOME

SEC. 216. Section 236(g)(3)(A) of the National Housing Act is amended by striking out ''fiscal year 2000'' and inserting in lieu thereof ''fiscal years 2000 and 2001''.

CDBG ELIGIBILITY

SEC. 217. Section 102(a)(6)(D) of the Housing and Community Development Act of 1974 is amended by—

(1) in clause (v), striking out the ''or'' at the end;

(2) in clause (vi), striking the period at the end; and

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

''(vii)(I) has consolidated its government with one or more municipal governments, such that within the county boundaries there are no unincorporated areas, (II) has a population of not less than 650,000, over which the consolidated government has the authority to undertake essential community development and housing assistance activities, (III) for more than 10 years, has been classified as an entitlement area for purposes of allocating and distributing funds under section 106, and (IV) as of the date of enactment of this clause, has over 90 percent of the county's population within the jurisdiction of the consolidated government; or

''(viii) notwithstanding any other provision of this section, any county that was classified as an urban county pursuant to subparagraph (A) for fiscal year 1999, at the option of the county, may hereafter remain classified as an urban county for purposes of this Act.''.

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD OF PHA

SEC. 218. Public housing agencies in the States of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2001.

USE OF MODERATE REHABILITATION FUNDS FOR HOME

SEC. 219. Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall make the funds available under contracts NY36K113004 and NY36K113005 of the Department of Housing and Urban Development available for use under the HOME Investment Partnerships Act and shall allocate such funds to the City of New Rochelle, New York.

LOMA LINDA REPROGRAMMING

SEC. 220. Of the amounts made available under the sixth undesignated paragraph under the heading ''Community Planning and Development—Community Development Block Grants'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276) for the Economic Development Initiative (EDI) for grants for targeted economic investments, the $1,000,000 to be made available (pursuant to the related provisions of the joint explanatory statement in the conference report to accompany such Act (House Report 105–769)) to the City of Loma Linda, California, for infrastructure improvements at Redlands Boulevard and California Streets shall, notwithstanding such provisions, be made available to the City for infrastructure improvements related to the Mountain View Bridge.

NATIVE AMERICAN ELIGIBILITY FOR THE ROSS PROGRAM

SEC. 221. (a) Section 34 of the United States Housing Act of 1937 is amended—

(1) in the heading, by striking ''PUBLIC HOUSING'' and inserting ''PUBLIC AND INDIAN HOUSING'';

(2) in subsection (a)—

(A) by inserting after ''residents,'' the following: ''recipients under the Native American Housing Assistance and Self-Determination Act of 1996 (notwithstanding section 502 of such Act) on behalf of residents of housing assisted under such Act,'' and

(B) by inserting after ''public housing residents'' the second place it appears the following: ''and residents of housing assisted under such Act'',

(3) in subsection (b)—

(A) by inserting after ''project'' the first place it appears the following: ''or the property of a recipient under such Act or housing assisted under such Act'';

(B) by inserting after ''public housing residents'' the following: ''or residents of housing assisted under such Act''; and

(C) in subsection (b)(1), by inserting after ''public housing project'' the following: ''or residents of housing assisted under such Act''; and

(4) in subsection (d)(2), by striking ''State or local'' and inserting ''State, local, or tribal''.

(b) ASSESSMENT AND REPORT.—Section 538(b)(1) of the Quality Housing and Work Responsibility Act of 1998 is amended by inserting after ''public housing'' the following: ''and housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996''.

TREATMENT OF EXPIRING ECONOMIC DEVELOPMENT INITIATIVE GRANTS

SEC. 222. (a) AVAILABILITY.—Section 220(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1075) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2001''.

(b) APPLICABILITY.—The Secretary of the Treasury and the Secretary of Housing and Urban Development shall take such actions as may be necessary to carry out such section 220 (as amended by this subsection (a) of this section) notwithstanding any actions taken previously pursuant to section 1552 of title 31, United States Code.

HOME PROGRAM DISASTER FUNDING FOR ELDERLY HOUSING

SEC. 223. Of the amounts made available under Chapter IX of the Supplemental Appropriations Act of 1993 for assistance under the HOME investment partnerships program to the city of Homestead, Florida (Public Law 103–50; 107 Stat. 262), up to $583,926.70 shall be made available to Dade County, Florida, for use only for rehabilitating housing for low-income elderly persons, and such amount shall not be subject to the requirements of such program, except for section 288 of the HOME Investment Partnerships Act (42 U.S.C. 12838).

CDBG PUBLIC SERVICES CAP

SEC. 224. Section 105(a)(8) of the Housing and Community Development Act of 1974 is amended by striking ''1993'' and all that follows through ''City of Los Angeles'' and inserting ''1993 through 2001 to the City of Los Angeles''.

EXTENSION OF APPLICABILITY OF DOWNPAYMENT SIMPLIFICATION PROVISIONS

SEC. 225. Subparagraph (A) of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)(A)) is amended, in the matter that precedes clause (i), by striking ''mortgage'' and all that follows through ''involving'' and inserting ''mortgage closed on or before December 31, 2002, involving''.

USE OF SUPPORTIVE HOUSING PROGRAM FUNDS FOR INFORMATION SYSTEMS

SEC. 226. Section 423 of the Stewart B. McKinney Homeless Assistance Act is amended under subsection (a) by adding the following paragraph:

''(7) MANAGEMENT INFORMATION SYSTEM.—A grant for the costs of implementing and operating management information systems for purposes of collecting unduplicated counts of homeless people and analyzing patterns of use of assistance funded under this Act.''.

INDIAN HOUSING LOAN GUARANTEE REFORM

SEC. 227. Section 184 of the Housing and Community Development Act of 1992 is amended—

(1) in subsection (a), by striking ''or as a result of a lack of access to private financial markets''; and

(2) in subsection (b)(2), by inserting ''refinance,'' after ''acquire,''.

USE OF SECTION 8 VOUCHERS FOR OPT-OUTS

SEC. 228. Section 8(t)(2) of the United States Housing Act of 1937 is amended by inserting after ''contract for rental assistance under section 8 of the United States Housing Act of 1937 for such housing project'' the following: ''(including any such termination or expiration during fiscal years after fiscal year 1996 prior to the effective date of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001)''.

HOMELESS DISCHARGE COORDINATION POLICY

SEC. 229. (a) DISCHARGE COORDINATION POLICY.—Subtitle A of title IV of the Stewart B.

McKinney Homeless Assistance Act is amended by adding at the end the following new section:

"SEC. 402. DISCHARGE COORDINATION POLICY.

''The Secretary may not provide a grant under this title for any governmental entity serving as an applicant unless the applicant agrees to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.''.

(b) ASSISTANCE UNDER EMERGENCY SHELTER GRANTS PROGRAM.—Section 414(a)(4) of the Stewart B. McKinney Homeless Assistance Act is amended-

(1) in the matter preceding subparagraph (A), by inserting a comma after ''homelessness'';

(2) by striking ''Not'' and inserting the following: ''Activities that are eligible for assistance under this paragraph shall include assistance to very low-income families who are discharged from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions). Not''.

TECHNICAL CHANGE TO SENIORS HOUSING COMMISSION

SEC. 230. Section 525 of the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act'' (42 U.S.C. 12701 note) is amended in subsection (a) by striking ''Commission on Affordable Housing and Health Care Facility Needs in the 21st Century'' and inserting ''Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century''.

INTERAGENCY COUNCIL ON THE HOMELESS REFORMS

SEC. 231. Title II of the Stewart B. McKinney Homeless Assistance Act is amended—

(1) in section 202, under subsection (b) by inserting after the period the following: ''The positions of Chairperson and Vice Chairperson shall rotate among its members on an annual basis.''; and

(2) in section 209 by striking ''1994'' and inserting ''2005''.

SECTION 8 PHA PROJECT-BASED ASSISTANCE

SEC. 232. (a) IN GENERAL.—Paragraph (13) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended to read as follows:

''(13) PHA PROJECT-BASED ASSISTANCE.—

''(A) IN GENERAL.—A public housing agency may use amounts provided under an annual contributions contract under this subsection to enter into a housing assistance payment contract with respect to an existing, newly constructed, or rehabilitated structure, that is attached to the structure, subject to the limitations and requirements of this paragraph.

''(B) PERCENTAGE LIMITATION.—Not more than 20 percent of the funding available for tenant-based assistance under this section that is administered by the agency may be attached to structures pursuant to this paragraph.

''(C) CONSISTENCY WITH PHA PLAN AND OTHER GOALS.—A public housing agency may approve a housing assistance payment contract pursuant to this paragraph only if the contract is consistent with—

''(i) the public housing agency plan for the agency approved under section 5A; and

''(ii) the goal of deconcentrating poverty and expanding housing and economic opportunities.

''(D) INCOME MIXING REQUIREMENT.—

''(i) IN GENERAL.—Not more than 25 percent of the dwelling units in any building may be assisted under a housing assistance payment contract for project-based assistance pursuant to this paragraph.

''(ii) EXCEPTIONS.—The limitation under clause (i) shall not apply in the case of assistance under a contract for housing consisting of single family properties or for dwelling units that are specifically made available for households comprised of elderly families, disabled families, and families receiving supportive services.

''(E) RESIDENT CHOICE REQUIREMENT.—A housing assistance payment contract pursuant to this paragraph shall provide as follows:

''(i) MOBILITY.—Each low-income family occupying a dwelling unit assisted under the contract may move from the housing at any time after the family has occupied the dwelling unit for 12 months.

''(ii) CONTINUED ASSISTANCE.—Upon such a move, the public housing agency shall provide the low-income family with tenant-based rental assistance under this section or such other tenant-based rental assistance that is subject to comparable income, assistance, rent contribution, affordability, and other requirements, as the Secretary shall provide by regulation. If such rental assistance is not immediately available to fulfill the requirement under the preceding sentence with respect to a low-income family, such requirement may be met by providing the family priority to receive the next voucher or other tenant-based rental assistance amounts that become available under the program used to fulfill such requirement.

''(F) CONTRACT TERM.—A housing assistance payment contract pursuant to this paragraph between a public housing agency and the owner of a structure may have a term of up to 10 years, subject to the availability of sufficient appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts and in the agency's annual contributions contract with the Secretary, and to annual compliance with the inspection requirements under paragraph (8), except that the agency shall not be required to make annual inspections of each assisted unit in the development. The contract may specify additional conditions for its continuation. If the units covered by the contract are owned by the agency, the term of the contract shall be agreed upon by the agency and the unit of general local government or other entity approved by the Secretary in the manner provided under paragraph (11).

''(G) EXTENSION OF CONTRACT TERM.—A public housing agency may enter into a contract with the owner of a structure assisted under a housing assistance payment contract pursuant to this paragraph to extend the term of the underlying housing assistance payment contract for such period as the agency determines to be appropriate to achieve long-term affordability of the housing or to expand housing opportunities. Such a contract shall provide that the extension of such term shall be contingent upon the future availability of appropriated funds for the purpose of renewing expiring contracts for assistance payments, as provided in appropriations Acts, and may obligate the owner to have such extensions of the underlying housing assistance payment contract accepted by the owner and the successors in interest of the owner.

''(H) RENT CALCULATION.—A housing assistance payment contract pursuant to this paragraph shall establish rents for each unit assisted in an amount that does not exceed 110 percent of the applicable fair market rental (or any exception payment standard approved by the Secretary pursuant to paragraph (1)(D)), except that if a contract covers a dwelling unit that has been allocated low-income housing tax credits pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) and is not located in a qualified census tract (as such term is defined in subsection (d) of such section 42), the rent for such unit may be established at any level that does not exceed the rent charged for comparable units in the building that also receive the low-income housing tax credit but do not have additional rental assistance. The rents established by housing assistance payment contracts pursuant to this paragraph may vary from the payment standards established by the public housing agency pursuant to paragraph (1)(B), but shall be subject to paragraph (10)(A).

''(I) RENT ADJUSTMENTS.—A housing assistance payments contract pursuant to this paragraph shall provide for rent adjustments, except that—

''(i) the adjusted rent for any unit assisted shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted, local market and may not exceed the maximum rent permitted under subparagraph (H); and

''(ii) the provisions of subsection (c)(2)(C) shall not apply.

''(J) TENANT SELECTION.—A public housing agency shall select families to receive project-based assistance pursuant to this paragraph from its waiting list for assistance under this subsection. Eligibility for such project-based assistance shall be subject to the provisions of section 16(b) that apply to tenant-based assistance. The agency may establish preferences or criteria for selection for a unit assisted under this paragraph that are consistent with the public housing agency plan for the agency approved under section 5A. Any family that rejects an offer of project-based assistance under this paragraph or that is rejected for admission to a structure by the owner or manager of a structure assisted under this paragraph shall retain its place on the waiting list as if the offer had not been made. The owner or manager of a structure assisted under this paragraph shall not admit any family to a dwelling unit assisted under a contract pursuant to this paragraph other than a family referred by the public housing agency from its waiting list. Subject to its waiting list policies and selection preferences, a public housing agency may place on its waiting list a family referred by the owner or manager of a structure and may maintain a separate waiting list for assistance under this paragraph, but only if all families on the agency's waiting list for assistance under this subsection are permitted to place their names on the separate list.

''(K) VACATED UNITS.—Notwithstanding paragraph (9), a housing assistance payment contract pursuant to this paragraph may provide as follows:

''(i) PAYMENT FOR VACANT UNITS.—That the public housing agency may, in its discretion, continue to provide assistance under the contract, for a reasonable period not exceeding 60 days, for a dwelling unit that becomes vacant, but only (I) if the vacancy was not the fault of the owner of the dwelling unit, and (II) the agency and the owner take every reasonable action to minimize the likelihood and extent of any such vacancy. Rental assistance may not be provided for a vacant unit after the expiration of such period.

''(ii) REDUCTION OF CONTRACT.—That, if despite reasonable efforts of the agency and the owner to fill a vacant unit, no eligible family has agreed to rent the unit within 120 days after the owner has notified the agency of the vacancy, the agency may reduce its housing assistance payments contract with the owner by the amount equivalent to the remaining months of subsidy attributable to the vacant unit. Amounts deobligated pursuant to such a contract provision shall be available to the agency to provide assistance under this subsection.

Eligible applicants for assistance under this subsection may enforce provisions authorized by this subparagraph.''.

(b) APPLICABILITY.—In the case of any dwelling unit that, upon the date of the enactment of this Act, is assisted under a housing assistance payment contract under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) as in effect before such enactment, such assistance may be extended or renewed notwithstanding the requirements under subparagraphs (C), (D), and (E) of such section 8(o)(13), as amended by subsection (a).

DISPOSITION OF HUD-HELD AND HUD-OWNED MULTIFAMILY PROJECTS FOR THE ELDERLY OR DISABLED

SEC. 233. Notwithstanding any other provision of law, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

FAMILY UNIFICATION PROGRAM

SEC. 234. Section 8(x)(2) of the United States Housing Act of 1937 (42 U.S.C 1437f(x)(2)) is amended—

(1) by striking ''any family (A) who is otherwise eligible for such assistance, and (B)'' and inserting ''(A) any family (i) who is otherwise eligible for such assistance, and (ii)''; and

(2) by inserting before the period at the end the following: ''and (B) for a period not to exceed 18 months, otherwise eligible youths who have attained at least 18 years of age and not more than 21 years of age and who have left foster care at age 16 or older''.

PERMANENT EXTENSION OF FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS

SEC. 235. Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''demonstrate the effectiveness of providing'' and inserting ''provide''; and

(B) in the second sentence, by striking ''demonstration'' and inserting ''the'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''determine the effectiveness of'' and inserting ''provide''; and

(B) by striking paragraph (5), and inserting the following new paragraph:

''(5) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''test the effectiveness of'' and inserting ''provide''; and

(B) by striking paragraph (4) and inserting the following new paragraph:

''(4) INSURANCE AUTHORITY.—Using any authority provided in appropriation Acts to insure mortgages under the National Housing Act, the Secretary may enter into commitments under this subsection for risk-sharing units.'';

(4) by striking subsection (d);

(5) by striking ''pilot'' and ''PILOT'' each place such terms appear; and

(6) in the section heading, by striking ''**DEMONSTRATIONS**'' and inserting ''**PROGRAMS**''.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $28,000,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $7,500,000, $5,000,000 of which to remain available until September 30, 2001 and $2,500,000 of which to remain available until September 30, 2002: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions: Provided further, That there shall be an Inspector General at the Board who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: Provided further, That an individual appointed to the position of Inspector General of the Federal Emergency Management Agency (FEMA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That the Inspector General of the Board shall utilize personnel of the Office of Inspector General of FEMA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $118,000,000, to remain available until September 30, 2002, of which $5,000,000 shall be for technical assistance and training programs designed to benefit Native American Communities, and up to $8,750,000 may be used for administrative expenses, up to $19,750,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,000,000.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $52,500,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $458,500,000, to remain available until September 30, 2002: Provided, That not more than $31,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $2,000,000 targeted for the acquisition of a cost accounting system for the Corporation's financial management system, an integrated grants management system that provides comprehensive financial management information for all Corporation grants and cooperative agreements, and the establishment, operation and maintenance of a central archives serving as the repository for all grant, cooperative agreement, and related documents, without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $231,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $45,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)); and not more than $25,000,000 may be made available to activities dedicated to developing computer and information technology skills for students and teachers in low-income communities: Provided further, That not more than $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $21,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations Acts, $30,000,000 shall be rescinded: Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc. only to support efforts to mobilize individuals,

groups, and organizations to build and strengthen the character and competence of the Nation's youth: Provided further, That not more than $5,000,000 of the funds made available under this heading shall be made available to the Communities In Schools, Inc. to support dropout prevention activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Parents as Teachers National Center, Inc. to support childhood parent education and family support activities: Provided further, That not more than $2,500,000 of the funds made available under this heading shall be made available to the Boys and Girls Clubs of America to establish an innovative outreach program designed to meet the special needs of youth in public and Native American housing communities: Provided further, That not more than $1,500,000 of the funds made available under this heading shall be made available to the Youth Life Foundation to meet the needs of children living in insecure environments.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $5,000,000, which shall be available for obligation through September 30, 2002.

ADMINISTRATIVE PROVISION

The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74) is amended under the heading ''Corporation for National and Community Service, National and Community Service Programs Operating Expenses'' in title III by reducing to $229,000,000 the amount available for grants under the National Service Trust program authorized under subtitle C of title I of the National and Community Service Act of 1990 (the ''Act'') (with a corresponding reduction to $40,000,000 in the amount that may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of the Act), and by increasing to $33,500,000 the amount available for quality and innovation activities authorized under subtitle H of title I of the Act, with the increase in subtitle H funds made available to provide a grant covering a period of three years to support the ''P.A.V.E. the Way'' project described in House Report 106–379.

COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, $12,445,000, of which $895,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $17,949,000, to remain available until expended.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, $63,000,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

SALARIES AND EXPENSES

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $75,000,000, to be derived from the Hazardous Substance Superfund Trust Fund pursuant to section 517(a) of SARA (26 U.S.C. 9507): Provided, That not withstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2001, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $696,000,000, which shall remain available until September 30, 2002.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $2,087,990,000, which shall remain available until September 30, 2002: Provided, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: Provided further, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the ''Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits'' with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964: Provided further, That notwithstanding section 1412(b)(12)(A)(v) of the Safe Drinking Water Act, as amended, the Administrator shall promulgate a national primary drinking water regulation for arsenic not later than June 22, 2001.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $34,094,000, to remain available until September 30, 2002.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $23,931,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,270,000,000 (of which $100,000,000 shall not become available until September 1, 2001), to remain available until expended, consisting of $635,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $635,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, $11,500,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2002, and $36,500,000 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2002.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $72,096,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants

for State revolving funds and performance partnership grants, $3,628,740,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $825,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $75,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $35,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $335,740,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the conference report and joint explanatory statement of the committee of conference accompanying this Act, except that, notwithstanding any other provision of law, of the funds herein and hereafter appropriated under this heading for such special needs infrastructure grants, the Administrator may use up to 3 percent of the amount of each project appropriated to administer the management and oversight of construction of such projects through contracts, allocation to the Corps of Engineers, or grants to States; and $1,008,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2001 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2001, and notwithstanding section 518(f) of the Federal Water Pollution Control Act, as amended, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2001, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, as amended, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under Title VI of that Act may be reserved by the Administrator for grants under section 518(c) of such Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available after June 1, 2001 to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That notwithstanding any other provision of law, all claims for principal and interest registered through any current grant dispute or any other such dispute hereafter filed by the Environmental Protection Agency relative to construction grants numbers C–180840–01, C–180840–04, C–470319–03, and C–470319–04, are hereby resolved in favor of the grantee: Provided further, That EPA, in considering the local match for the $5,000,000 appropriated in fiscal year 1999 for the City of Cumberland, Maryland, to separate and relocate the city's combined sewer and stormwater system, shall take into account non-federal money spent by the City of Cumberland for combined sewer, stormwater and wastewater treatment infrastructure on or after October 1, 1999, and that the fiscal year 1999 and any subsequent funds may be used for any required non-federal share of the costs of projects funded by the federal government under Section 580 of Public Law 106–53.

ADMINISTRATIVE PROVISIONS

For fiscal year 2001 and thereafter, the obligated balances of sums available in multiple-year appropriations accounts shall remain available through the seventh fiscal year after their period of availability has expired for liquidating obligations made during the period of availability.

For fiscal year 2001, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Section 176(c) of the Clean Air Act, as amended, is amended by adding at the end the following new paragraph:

''(6) Notwithstanding paragraph 5, this subsection shall not apply with respect to an area designated nonattainment under section 107(d)(1) until one year after that area is first designated nonattainment for a specific national ambient air quality standard. This paragraph only applies with respect to the national ambient air quality standard for which an area is newly designated nonattainment and does not affect the area's requirements with respect to all other national ambient air quality standards for which the area is designated nonattainment or has been redesignated from nonattainment to attainment with a maintenance plan pursuant to section 175(A) (including any pre-existing national ambient air quality standard for a pollutant for which a new or revised standard has been issued).''.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,201,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,900,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,660,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency management planning and assistance'' for the consolidated emergency management performance grant program; and up to $15,000,000 may be obligated for flood map modernization activities following disaster declarations: Provided, That of the funds made available under this heading in this and prior Appropriations Acts and under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to the State of Florida, $3,000,000 shall be for a hurricane mitigation initiative in Miami-Dade County.

For an additional amount for ''Disaster relief'', $1,300,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,678,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $427,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5

U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $215,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $10,000,000: Provided, That notwithstanding any other provision of law, the Inspector General of the Federal Emergency Management Agency shall also serve as the Inspector General of the Chemical Safety and Hazard Investigation Board.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $269,652,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2001, as authorized by Public Law 106–74, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2001, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $140,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3½ percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $25,736,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $77,307,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2002. In fiscal year 2001, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $455,627,000 for agents' commissions and taxes; and (3) $40,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

In addition, up to $17,730,000 in fees collected but unexpended during fiscal years 1994 through 1998 shall be transferred to the Flood Map Modernization Fund and available for expenditure in fiscal year 2001.

Section 1309(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking ''September 30, 2000'' and inserting ''December 31, 2001''.

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking ''September 30, 2000'' and inserting ''December 31, 2001''.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000 to remain available until September 30, 2002, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

FEDERAL CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Federal Consumer Information Center, including services authorized by 5 U.S.C. 3109, $7,122,000, to be deposited into the Federal Consumer Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Consumer Information Center activities in the aggregate amount of $12,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2001 in excess of $12,000,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,462,900,000, to remain available until September 30, 2002.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,190,700,000, to remain available until September 30, 2002.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; maintenance; construction of facilities including revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $40,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,608,700,000 to remain available until September 30, 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $23,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in ''Mission support'' pursuant to the authorization for minor revitalization and construction of facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2003.

Notwithstanding the limitation on the availability of funds appropriated for ''Mission support'' and ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2001 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year. Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Unless otherwise provided for in this Act or in the joint explanatory statement of the committee of conference accompanying this Act, no part of the funds appropriated for ''Human space flight'' may be used for the development of the International Space Station in excess of the amounts set forth in the budget estimates submitted as part of the budget request for fiscal year 2001.

No funds in this or any other Appropriations Act may be used to finalize an agreement prior to December 1, 2001 between NASA and a nongovernment organization to conduct research utilization and commercialization management activities of the International Space Station.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2001, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Provided, That administrative expenses of the Central Liquidity Facility shall not exceed $296,303: Provided further, That $1,000,000 shall be transferred to the Community Development Revolving Loan Fund, of which $650,000, together with amounts of principal and interest on loans repaid, shall be available until expended for loans to community

development credit unions, and $350,000 shall be available until expended for technical assistance to low-income and community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; authorized travel; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $3,350,000,000, of which not to exceed $275,592,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2002: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $65,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crops: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including authorized travel, $121,600,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $787,352,000, to remain available until September 30, 2002: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $10,000,000 shall be available for the Office of Innovation Partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $160,890,000: Provided, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2001 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $6,280,000, to remain available until September 30, 2002.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $90,000,000, of which $5,000,000 shall be for a homeownership program that is used in conjunction with section 8 assistance under the United States Housing Act of 1937: Provided, That of the amount made available, $2,500,000 shall be for an endowment to establish the George Knight Scholarship Fund for the Neighborhood Reinvestment Training Institute.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $24,480,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this

Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

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

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2001 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2001 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted to the Congress.

SEC. 423. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 424. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 425. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 426. None of the funds provided in title II for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each activity as part of the Budget Justifications. For fiscal year 2001, HUD shall transmit this information to the Committees by November 1, 2000, for 30 days of review.

SEC. 427. None of the funds made available in this Act may be used for the designation, or approval of the designation, of any area as an ozone nonattainment area under the Clean Air Act pursuant to the 8-hour national ambient air quality standard for ozone that was promulgated by the Environmental Protection Agency on July 18, 1997 (62 Fed. Reg. 38,356, p. 38855) and remanded by the District of Columbia Court of Appeals on May 14, 1999, in the case, American Trucking Ass'ns. v. EPA (No. 97–1440, 1999 Westlaw 300618) prior to June 15, 2001 or final adjudication of this case by the Supreme Court of the United States, whichever occurs first.

SEC. 428. Section 432 of Public Law 104–204 (110 Stat. 2874) is amended—

(a) in subsection (c) by inserting ''or to restructure and improve the efficiency of the workforce'' after ''the National Aeronautics and Space Administration'' and before ''the Administrator'';

(b) by deleting paragraph (4) of subsection (h) and inserting in lieu thereof—

''(4) The provisions of subsections (1) and (3) of this section may be waived upon a determination by the Administrator that use of the incentive satisfactorily demonstrates downsizing or other restructuring within the Agency that would improve the efficiency of agency operations or contribute directly to evolving mission requirements.''

(c) by deleting subsection (i) and inserting in lieu thereof—

''(i) REPORTS.—The Administrator shall submit a report on NASA's restructuring activities to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate not later than September 30, 2001. This report shall include—

''(1) an outline of a timetable for restructuring the workforce at NASA Headquarters and field Centers;

''(2) annual Full Time Equivalent (FTE) targets by broad occupational categories and a summary of how these targets reflect the respective missions of Headquarters and the field Centers;

''(3) a description of personnel initiatives, such as relocation assistance, early retirement incentives, and career transition assistance, which NASA will use to achieve personnel reductions or to rebalance the workforce; and

''(4) a description of efficiencies in operations achieved through the use of the voluntary separation incentive.''; and

(d) in subsection (j), by deleting ''September 30, 2000'' and inserting in lieu thereof ''September 30, 2002''.

SEC. 429. Section 70113(f) of title 49, United States Code, is amended by striking ''December 31, 2000'', and inserting ''December 31, 2001''.

SEC. 430. All Departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 431. Title III of the National Aeronautics and Space Act of 1958, Public Law 85–568, is amended by adding the following new section at the end:

''SEC. 312. (a) Appropriations for the Administration for fiscal year 2002 and thereafter shall be made in three accounts, 'Human space flight', 'Science, aeronautics and technology', and an account for amounts appropriated for the necessary expenses of the Office of Inspector General. Appropriations shall remain available for 2 fiscal years. Each account shall include the planned full costs of the Administration's related activities.

''(b) To ensure the safe, timely, and successful accomplishment of Administration missions, the Administration may transfer amounts for Federal salaries and benefits; training, travel and awards; facility and related costs; information technology services; publishing services; science, engineering, fabricating and testing services; and other administrative services among accounts, as necessary.

''(c) The Administrator, in consultation with the Director of the Office of Management and Budget, shall determine what balances from the 'Mission support' account are to be transferred to the 'Human space flight' and 'Science, aeronautics and technology' accounts. Such balances shall be transferred and merged with the 'Human space flight' and 'Science, aeronautics and technology' accounts, and remain available for the period of which originally appropriated.''.

TITLE V—FILIPINO VETERANS' BENEFITS IMPROVEMENTS

SEC. 501. (a) RATE OF COMPENSATION PAYMENTS FOR FILIPINO VETERANS RESIDING IN THE UNITED STATES.—(1) Section 107 of title 38, United States Code, is amended—

(A) by striking ''Payments'' in the second sentence of subsection (a) and inserting ''Except as provided in subsection (c), payments''; and

(B) by adding at the end the following new subsection:

''(c) In the case of benefits under subchapters II and IV of chapter 11 of this title paid by reason of service described in subsection (a) to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States, the second sentence of subsection (a) shall not apply.''.

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to benefits paid for months beginning on or after that date.

(b) ELIGIBILITY FOR HEALTH CARE OF DISABLED FILIPINO VETERANS RESIDING IN THE UNITED STATES.—Section 1734 of such title is amended—

(1) by inserting ''(a)'' before ''The Secretary,''; and

(2) by adding at the end the following:

''(b) An individual who is in receipt of benefits under subchapter II or IV of chapter 11 of this title paid by reason of service described in section 107(a) of this title who is residing in the United States and who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States shall be eligible for hospital and nursing home care and medical services in the same manner as a veteran, and the disease or disability for which such benefits are paid shall be considered to be a service-connected disability for purposes of this chapter.''.

(c) HEALTH CARE FOR VETERANS RESIDING IN THE PHILIPPINES.—Section 1724 of such title is amended by adding at the end the following new subsection:

''(e) Within the limits of an outpatient clinic in the Republic of the Philippines that is under the direct jurisdiction of the Secretary, the Secretary may furnish a veteran who has a service-connected disability with such medical services as the Secretary determines to be needed.''.

TITLE VI—DEBT REDUCTION

DEPARTMENT OF THE TREASURY

BUREAU OF THE PUBLIC DEBT

GIFTS TO THE UNITED STATES FOR REDUCTION OF THE PUBLIC DEBT

For deposit of an additional amount for fiscal year 2001 into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt, $5,172,730,916.14.

DIVISION B

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

SEC. 1001. Such amounts as may be necessary are hereby appropriated for programs, projects, or activities provided for in H.R. 4733, the Energy and Water Development Appropriations Act, 2001, to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (House Report 106–907) as filed in the House of Representatives on September 27, 2000, as if enacted into law, except:

(1) that such conference report shall be considered as not including those provisions in section 103 of the conference report on H.R. 4733 as filed in the House of Representatives on September 27, 2000;

(2) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as providing $1,000,000 for the Upper Susquehanna River Basin, New York, investigation within available funds under General Investigations in Title I;

(3) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as appropriating $1,717,199,000 for Construction, General under Title I, including $8,400,000 for the Elba, Alabama, flood control project; $10,800,000 for the Geneva, Alabama, flood control project; $1,000,000 for the Metropolitan Louisville, Beargrass Creek, Kentucky, project; $3,000,000 for the St. Louis, Missouri, environmental infrastructure project authorized by section 502(f)(32) of Public Law 106–53; and $2,000,000 for the Black Fox, Murfree and Oaklands Springs Wetlands, Tennessee, project;

(4) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as including the following at the end of Title I:

''SEC. 106. The Secretary of the Army, acting through the Chief of Engineers, is authorized to construct the locally preferred plan for flood control, environmental restoration and recreation, Murrieta Creek, California, described as Alternative 6, based on the Murrieta Creek Feasibility Report and Environmental Impact Statement dated October 2000, at a total cost of $89,850,000, with an estimated Federal cost of $57,735,000 and an estimated non-Federal cost of $32,115,000.

''SEC. 107. Within available funds, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Rio Grand de Manati flood control project at Barceloneta, Puerto Rico, which was initiated under the authority of the Section 205 program prior to being specifically authorized in the Water Resources Development Act of 1999.'';

(5) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as providing that $19,158,000 of the amount appropriated under the Central Utah Project Completion Account under Title II shall be deposited into the Utah Reclamation Mitigation and Conservation Account;

(6) that such conference report on H.R. 4733 filed in the House of Representatives on September 27, 2000 shall be considered as not including those provisions in section 211, and shall be considered as including the following new section 211:

''SEC. 211. Section 106 of the San Luis Rey Indian Water Rights Settlement Act (Public Law 100–675, 102 Stat. 4000 et seq.) is amended by adding at the end the following new subsection:

'' '(f) REQUIREMENT TO FURNISH WATER, POWER CAPACITY AND ENERGY.—Notwithstanding any other provision of law, in order to fulfill the trust responsibility to the Bands, the Secretary, acting through the Commissioner of Reclamation, shall permanently furnish annually the following:

'' '(1) WATER.—16,000 acre-feet of the water conserved by the works authorized by title II, for the benefit of the Bands and the local entities in accordance with the settlement agreement: Provided, That during construction of said works, the Indian Water Authority and the local entities shall receive 17 percent of any water conserved by said works up to a maximum of 16,000 acre-feet per year. The Indian Water Authority and the local entities shall pay their proportionate share of such costs as are provided by section 203(b) of title II or are agreed to by them.

'' '(2) POWER CAPACITY AND ENERGY.—Beginning on the date when conserved water from the works authorized by title II first becomes available, power capacity and energy through the Yuma Arizona Area Aggregate Power Managers (Yuma Area Contractors), at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities, in amounts sufficient to convey the water conserved pursuant to paragraph (1) from Lake Havasu through the Colorado River Aqueduct and to the places of use on the Bands' reservations or in the local entities' service areas in accordance with the settlement agreement. The Secretary, through a coterminus exhibit to Bureau of Reclamation Contract No. 6–CU–30–P1136, shall enter into an agreement with the Yuma Area Contractors which shall provide for furnishing annually and permanently said power capacity and energy by said Yuma Area Contractors at no cost and at no further expense to the United States, the Indian Water Authority, the Bands, and the local entities. The Secretary shall authorize the Yuma Area Contractors to utilize federal project use power provided for in Bureau of Reclamation Contracts numbered 6–CU–30–P1136, 6–CU–30–P1137, and 6–CU–30–P1138 for the full range of purposes served by the Yuma Area Contractors, including the purpose of supplying the power capacity and energy to convey the conserved water referred to in paragraph (1), for so long as the Yuma Area Contractors meet their obligation to provide sufficient power capacity and energy for the conveyance of said conserved water. If for any reason the Yuma Area Contractors do not provide said power capacity and energy for the conveyance of said conserved water, then the Secretary shall furnish said power capacity and energy annually and permanently at the lowest rate assigned to project use power within the jurisdiction of the Bureau of Reclamation in accordance with Exhibit E ''Project Use Power'' of the Agreement between Water and Power Resources Service, Department of the Interior, and Western Area Power Administration, Department of Energy (March 26, 1980).

'' 'SEC. 106A. ANNUAL REPAYMENT INSTALLMENTS. During the period of planning, design and construction of any of the works authorized by title II of Public Law 100–675 and during the period that the Indian Water Authority and the local entities referred to in said Act receive up to 16,000 acre feet of the water conserved by said works, the annual repayment installments provided in Section 102(b) of Public Law 93–320 shall continue to be nonreimbursable. Nothing in this Section shall affect the National obligation set forth in Section 101(c) of Public Law 93–320.'.'; and

(7) that such conference report shall be considered as not including those provisions in section 605 of the conference report on H.R. 4733 as filed in the House of Representatives on September 27, 2000.

SEC. 1002. In publishing this Act in slip form and in the United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the bill referred to in section 1001.

DIVISION C

In lieu of a statement of the managers that would otherwise accompany a conference report for a bill making appropriations for Federal agencies and activities provided for in this Act, reports that are filed in identical form by the House and Senate Committees on Appropriations prior to adjournment of the One Hundred Sixth Congress shall be considered by the Office of Management and Budget, and the agencies responsible for the obligation and expenditure of funds provided in this Act, as having the same standing, force and legislative history as would a statement of the managers accompanying a conference report.

Titles I–IV of division A of this Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001''.

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

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer (Mr. FITZGERALD) appointed Mr. BOND, Mr. BURNS, Mr. SHELBY, Mr. CRAIG, Mrs. HUTCHISON, Mr. KYL, Mr. DOMENICI, Mr. STEVENS, Ms. MIKULSKI, Mr. LEAHY,

Mr. LAUTENBERG, Mr. HARKIN, Mr. REID, Mr. BYRD, and Mr. INOUYE conferees on the part of the Senate.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate proceeds to and adopts the motion to reconsider the vote whereby the conference report on H.R. 4516 was defeated.

The question is on agreeing to the conference report upon reconsideration.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota (Mr. GRAMS) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

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

The result was announced—yeas 58, nays 37, as follows:

[Rollcall Vote No. 273 Leg.]

YEAS—58

Akaka	Hagel	Moynihan
Bennett	Hatch	Murkowski
Bond	Hollings	Murray
Boxer	Hutchinson	Nickles
Breaux	Inhofe	Reed
Campbell	Inouye	Reid
Chafee, L.	Jeffords	Robb
Cochran	Kerrey	Rockefeller
Craig	Kerry	Roth
Crapo	Kohl	Sarbanes
Daschle	Kyl	Shelby
Dodd	Landrieu	Smith (OR)
Domenici	Lautenberg	Specter
Dorgan	Leahy	Stevens
Durbin	Levin	Thomas
Enzi	Lott	Thompson
Fitzgerald	Lugar	Thurmond
Gorton	Mack	Torricelli
Grassley	McConnell	
Gregg	Mikulski	

NAYS—37

Abraham	Collins	Miller
Allard	Conrad	Roberts
Ashcroft	DeWine	Santorum
Baucus	Edwards	Schumer
Bayh	Feingold	Sessions
Biden	Frist	Smith (NH)
Bingaman	Graham	Snowe
Brownback	Gramm	Voinovich
Bryan	Harkin	Warner
Bunning	Hutchison	Wellstone
Burns	Johnson	Wyden
Byrd	Lincoln	
Cleland	McCain	

NOT VOTING—5

Feinstein	Helms	Lieberman
Grams	Kennedy	

The conference report was agreed to.

Mr. STEVENS. That vote is not subject to reconsideration?

The PRESIDING OFFICER. The vote is subject to reconsideration because the first result was changed.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001—CONFERENCE REPORT

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany H.R. 4392, the intelligence authorization.

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

The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 4392, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agreed to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of the Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 11, 2000.)

Mr. SHELBY. Mr. President, the Senate has before it the conference report to H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001. The conference report reflects the legislation, S. 2507, that was approved unanimously by the Select Committee on Intelligence on April 27, 2000, and amended and approved by the Senate on Monday, October 2.

I thank Senator BRYAN, the vice chairman of the committee for his assistance in expediting this conference report. This is Senator BRYAN's first year as vice chairman. It has been a pleasure to work cooperatively with him on a wide range of issues, and I regret that this also will be his last year on the committee and in the Senate.

The committee has been increasingly troubled by the NSA's growing inability to meet technological challenges and to provide America's leaders with vital signals intelligence, SIGINT. Success in NSA's mission is critical to our national security. Therefore, the conference report reflects the start of our investment in resources and support aimed at restoring the NSA's' capabilities.

I am proud to report that the conference report addresses the growing problem of leaks of classified information. The conferees endorsed the Senate provision that will close a gap in U.S. law to ensure the prosecution of all unauthorized disclosure of classified information. Successive directors of Central Intelligence have decried the growing problem of leaks of classified information and the damage it causes to our national security. DCI Tenet has publically stated that the U.S. Government ''leaks like a sieve.''

Arguments that section 304 will stifle the freedom of the press simply don't pass muster. This provision has nothing to do with restraining publication. It simply criminalizes knowing and willful disclosure of properly classified information by those charged with protecting it. The Senate Intelligence Committee unanimously approved this provision and worked closely with the Attorney General and the intelligence community to incorporate changes requested by the Department of Justice. The Departments of Justice and State and the CIA all support the provision as approved by the conference committee.

Another provision of the bill is designed to ensure that the State Department corrects the serious, systemic security weaknesses that have repeatedly placed at risk sensitive classified intelligence information collected at considerable risk and expense. This provision would require that the Director of Central Intelligence certify that the retention and storage of Sensitive Compartmented Information (SCI) by any element of the State is in full compliance with all applicable DCI directives relating to the handling, retention, or storage of such information.

The bill requires the Director of Central Intelligence, in consultation with the Secretary of Defense, to create an analytic capability for intelligence relating to prisoners of war and missing persons. The analytic capability will extend to activities with respect to prisoners of war and missing persons after December 31, 1990.

Also, the bill strengthens the IG's requirements to be fully engaged in investigating and responding to possible wrongdoing by senior CIA officials. In the wake of the investigation of former Director of Central Intelligence John Deutch this provision will ensure that the CIA policies its senior officials.

The conference report also contains the Counterintelligence Reform Act of 2000. S. 2089 was introduced by Senators SPECTER, TORRICELLI, THURMOND, BIDEN, GRASSLEY, FEINGOLD, HELMS, SCHUMER, SESSIONS, and LEAHY in April in the wake of Congressional and other investigations into PRC espionage against the Department of Energy's nuclear weapons laboratories and other U.S. government facilities, and the U.S. government's response. Those investigations focused attention on the application of the Foreign Intelligence Surveillance Act of 1978, and highlighted coordination, information-sharing, and other problems within and among the Department of Energy, FBI, and Department of Justice. The amendment will correct some of the problems in coordinating and sharing information between federal agencies, and will