

# FOIA MARKER

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**Collection/Record Group:** Clinton Presidential Records  
**Subgroup/Office of Origin:** WH Task Force on Climate Change  
**Series/Staff Member:** Roger Ballentine; Paul Bledsoe; Julie Anderson  
**Subseries:**

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**OA/ID Number:** 41302  
**FolderID:**

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**Folder Title:**  
Agriculture and CJS [Commerce, Justice, State] FY 2000

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ENVIRONMENTAL  
DEFENSE FUND

Capital Office  
1875 Connecticut Ave., N.W.  
Washington, DC 20009  
(202) 387-3500  
Fax 202-234-6049  
www.edf.org

September 2, 1999

The Honorable Robert Byrd  
United States Senate  
Washington, DC 20510

Dear Senator Robert Byrd,

The Environmental Defense Fund is writing to you to express its concern over the climate change riders attached to a number of Fiscal Year 2000 Appropriations Bills by the U.S. House of Representatives and to ask you to remove these riders in Conference. These riders, and the accompanying report language in several bills, deliberately seek to prevent the Administration from engaging in a number of voluntary activities to protect Americans from the impacts of climate change. The intense heat experienced by much of the U.S. this summer should serve as a wake-up call to the dangers of global warming, and action should be taken to prevent these riders from ever becoming law. We should be taking common sense steps consistent with our Rio commitments to mitigate climate change impacts right now.

These climate change riders are on the House Agriculture, Energy and Water, Foreign Operations, Interior, VA/HUD/Independent Agencies, and Commerce, Justice, State Appropriations bills. The Environmental Defense Fund believes these riders should be stricken because they seek to:

- 1) Prohibit the Administration from engaging in international negotiations on climate change. These negotiations are critical to finding a cost-effective international solution to this truly global problem, a solution that also must include key developing nations, precisely as 95 U.S. Senators urged when they voted in favor of S. Res. 98 in 1997. To the extent that the riders seek to limit the Administration's position in foreign policy matters, EDF believes that these riders are unconstitutional, as well as bad for the environment. As former President George Bush said when he signed the Energy Policy Act of 1992,

*National Headquarters*

257 Park Avenue South  
New York, NY 10010  
(212) 505-2100

3655 College Ave.  
Oakland, CA 94618  
(510) 558-8008

1405 Arapahoe Ave.  
Boulder, CO 80502  
(303) 440-4901

2500 Blue Ridge Rd.  
Raleigh, NC 27607  
(919) 881-2601

44 East Avenue  
Austin, TX 78701  
(512) 478-5161

*Project Office*

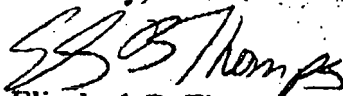
6 Faneuil Hall Marketplace  
Boston, MA 02109  
(617) 723-2996

"Under the Constitution, it is the President, not the Congress, who articulates the foreign policy goals of the Nation, who decides whether and when to negotiate agreements with foreign nations or otherwise consult with them, and who represents the United States in international bodies." The Administration is trying to meet the conditions of S.Res. 98. The Administration must not be prohibited from engaging developing nations.

- 2) Block voluntary programs to reduce greenhouse gas emissions. Contained in the report on the House VA-HUD Appropriations Subcommittee is an expansion of last year's prohibition on Kyoto-related activities to cover "non-regulatory actions, such as programs and initiatives." This would extend the Knollenberg restriction to activities such as Energy Star or Green Lights, both voluntary programs that enjoy wide support in both the environmental community and U.S. industry, precisely at a time when these programs are beginning to show significant results in reducing greenhouse gas emissions. These programs are not aimed at implementing the Kyoto Protocol, rather they implement US commitments under the UNFCCC, which was ratified by the US in 1992. This year, the House has moved beyond the language contained in last year's VA-HUD report.
- 3) Skew scientific forums and scientific processes. The House VA-HUD report contains language that substitutes pseudobalance for scientific reality. Under this report language, EPA would have to provide "balance" in terms of representation on panels or presentations, no matter how unbalanced or unscientific the position. In addition, language in the VA-HUD Appropriations bill would hamper a number of scientific review processes related to the Global Change Research Act of 1990.

In light of the damage that could be done by these riders, EDF asks you to vote in Conference Committee to strip them out of the bills.

Sincerely,



Elizabeth B. Thompson  
Legislative Director

# United States Senate

WASHINGTON, DC 20510

October 22, 1999

The President  
The White House  
Washington, DC 20500

Dear Mr. President:

We are writing to express our concern over language regarding the Kyoto Protocol on Climate Change contained in the conference reports on both the Foreign Operations and Commerce, Justice, State and Judiciary FY 2000 Appropriations bills.

The language on its face prohibits implementation of the Kyoto Protocol without Senate ratification. However, the language could also be read to prevent U.S. diplomatic efforts to address developing country participation, an issue which the Senate highlighted in the 1997 Byrd-Hagel Resolution.

Your Administration is currently participating in international climate change negotiations pursuant to its obligations under the 1992 United Nations Framework Convention on Climate Change, which has been ratified by the United States. Within the context of these negotiations, the U.S. shares information with other countries on U.S. strategies for using market mechanisms as a tool for curbing pollution and offers technical assistance to developing countries in order that they may build their capacity to effectively limit their own emissions. The next conference of the parties will be held next week in Bonn, Germany.

These activities do not "implement" the Kyoto Protocol, but instead foster cost-effective international solutions to climate change. Any meaningful solution to global climate change will ultimately require global participation, and it is important that the U.S. take a leadership position in shaping and implementing such a solution.

U.S. Climate Change diplomacy should not be restricted and, in fact, such restrictions would appear to raise Constitutional concerns. In negotiations over the bills, we urge you to take a strong position against this language.

Sincerely,

  
Robert C. Byrd Frank R. Lautenberg

The President  
October 22, 1999  
Page Two

Patrick Leahy

John F. Kerry

Patty Murray

Bob Crutcher

Robert H. Byrd

Barbara Pifer

Tom Vachle

Ron Wyden

Dianne Feinstein

Max Baucus

Jeff Bingaman

Jon Kyl

Jack Reed

Charles Schumer

Frank Lautenberg

Shirley M. Hahn

The President  
October 22, 1999  
Page Three

Carl Levin      102 / 1 Rubin

Chin. DM      Miss Feingold

J. L. ...      J. Kerry

Tom ...      Col. Kandy

Jack ...      Harry ...

Jim Jeffords      Jan Johnson

Herb Kohl      Robert A. ...

Paul S. ...      Max Cleland

# United States Senate

WASHINGTON, DC 20510

October 22, 1999

The President  
The White House  
Washington, DC 20500

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Sincerely,

  
Robert C. Byrd Frank R. Lautenberg

JAY INSLEE  
1ST DISTRICT, WASHINGTON

COMMITTEE ON RESOURCES  
NATIONAL PARKS AND PUBLIC LANDS  
ENERGY AND MINERAL RESOURCES  
COMMITTEE ON BANKING AND  
FINANCIAL SERVICES  
FINANCIAL INSTITUTIONS AND  
CONSUMER CREDIT  
DOMESTIC AND INTERNATIONAL  
MONETARY POLICY

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-4701

21905 64th AVE. WEST, #101  
MOUNTLAKE TERRACE, WA 98043-2278  
(425) 640-0233  
FAX: (425) 776-7188

17791 FJORD DR., NE. DOOR 112  
POULSBO, WA 98370  
(360) 598-2342  
FAX: (360) 598-3650

308 CANNON HOB  
WASHINGTON, DC 20515-4701  
(202) 225-8311  
FAX: (202) 226-1606

JAY.INSLEE@MAIL.HOUSE.GOV

WWW.HOUSE.GOV/INSLEE

September 13, 1999

**Delete the Knollenberg Rider from  
the C/J/S Approps Bill**

Dear Colleague:

I am writing to invite you to sign the attached letter to the Commerce/Justice State Appropriations Conference Committee with regard to climate change and the Knollenberg rider.

The House-passed bill contains language that would prohibit funds from being used to implement aspects of the Kyoto protocol with regard to global warming. Last year, the Senate passed a resolution stating that before the United States could become a signatory to any international agreement on greenhouse emissions, the United States MUST discuss the implications of greenhouse gas emissions with other countries. There is concern that the House version of the Commerce/Justice/State Appropriations bill would prevent the United States from discussing climate change with other countries.

The United States has the ability to promote technology and share information with other countries about strategies to combat climate change. It is critical to engage developing countries in this issue and to promote U.S. technology and know-how abroad.

Please contact either myself or Jake Johnston of my staff (5-6311 or [jake.johnston@mail.house.gov](mailto:jake.johnston@mail.house.gov)) with any questions or to sign the attached letter. The deadline for signatures is the close of business on Friday, September 17, 1999.

Very Truly Yours,

  
Jay Inslee  
Member of Congress

II:jj

None  
GJS IB

## Union Calendar No. 169

106TH CONGRESS  
1ST SESSION

# H. R. 2670

[Report No. 106-283]

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1999

Mr. ROGERS, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

## A BILL

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following sums are appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, for the

1 with the implementation of 18 U.S.C. 922(t); (2) any sys-  
2 tem to implement 18 U.S.C. 922(t) that does not require  
3 and result in the destruction of any identifying informa-  
4 tion submitted by or on behalf of any person who has been  
5 determined not to be prohibited from owning a firearm.

6 SEC. 618. Notwithstanding any other provision of  
7 law, amounts deposited in the Fund established under 42  
8 U.S.C. 10601 in fiscal year 1999 in excess of  
9 \$500,000,000 shall not be available for obligation until  
10 October 1, 2000.

11 SEC. 619. None of the funds made available in this  
12 Act may be used to publish or issue an assessment re-  
13 quired under section 106 of the Global Change Research  
14 Act of 1990 unless—

15 (1) the supporting research has been subjected  
16 to peer review and, if not otherwise publicly avail-  
17 able, posted electronically for public comment prior  
18 to use in the assessment; and

19 (2) the draft assessment has been published in  
20 the Federal Register for a 60 day public comment  
21 period.

22 SEC. 620. None of the funds appropriated by this Act  
23 shall be used to propose or issue rules, regulations, de-  
24 crees, or orders for the purpose of implementation, or in  
25 preparation for implementation, of the Kyoto Protocol

1 which was adopted on December 11, 1997, in Kyoto,  
2 Japan at the Third Conference of the Parties to the  
3 United Nations Framework Convention on Climate  
4 Change, which has not been submitted to the Senate for  
5 advice and consent to ratification pursuant to article II,  
6 section 2, clause 2, of the United States Constitution, and  
7 which has not entered into force pursuant to article 25  
8 of the Protocol.

9 **TITLE VII—RESCISSIONS**

10 **DEPARTMENT OF JUSTICE**

11 **IMMIGRATION AND NATURALIZATION SERVICE**

12 **IMMIGRATION EMERGENCY FUND**

13 **(RESCISSION)**

14 Of the unobligated balances available under this  
15 heading, \$1,137,000 are rescinded.

16 **DEPARTMENT OF STATE AND RELATED**

17 **AGENCIES**

18 **UNITED STATES INFORMATION AGENCY**

19 **INTERNATIONAL BROADCASTING OPERATIONS**

20 **(RESCISSION)**

21 Of the unobligated balances available under this  
22 heading, \$14,829,000 are rescinded.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE  
JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS  
BILL, FISCAL YEAR 2000

AUGUST 2, 1999.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. ROGERS, from the Committee on Appropriations,  
submitted the following

REPORT

together with

ADDITIONAL VIEWS

(To accompany H.R. 2670)

The Committee on Appropriations submits the following report in  
explanation of the accompanying bill making appropriations for the  
Departments of Commerce, Justice, and State, the Judiciary, and  
related agencies for the fiscal year ending September 30, 2000.

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60 days that Vietnam is cooperating in full faith with the U.S. on POW/MIA issues.

Section 610 prohibits the use of funds for any United Nations peacekeeping mission when it is made known that United States Armed Forces are under the command or operational control of a foreign national and the President has not submitted to the Congress a recommendation that such involvement is in the national security interest of the United States.

Section 611 prohibits the use of funds to provide certain amenities and personal comforts in the Federal prison system.

Section 612 includes language prohibiting the use of funds under the NOAA Fleet Modernization, Shipbuilding and Conversion account to implement sections 603, 604, and 606 of Public Law 102-567, except for development of a modernization plan for fisheries research.

Section 613 provides that any closing or downsizing costs incurred by a Department or agency funded under this Act resulting from funding reductions in the Act shall be absorbed within the budgetary resources available to the Department or agency, and provides transfer authority between appropriation accounts to carry out the provision, subject to reprogramming procedures.

Section 614 prohibits funds made available in this Act to the Federal Bureau of Prisons from being used to distribute publications that include sexually explicit material.

Section 615 limits funding under the Local Law Enforcement Block Grant to 90 percent to an entity that does not provide public safety officers injured in the line of duty and as a result separated or retired from their jobs with health insurance benefits equal to the insurance they received while on duty.

Section 616 prohibits funds made available in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided that such restrictions are applied equally to all tobacco products or tobacco products of the same type. This provision is not intended to impact routine international trade services provided to all U.S. citizens, including the processing of applications to establish foreign trade zones.

Section 617 prohibits funds made available in this Act from being used to implement a Federal user fee for background checks conducted pursuant to the Brady Handgun Control Act of 1993, or to implement a background check system that does not require and result in the destruction of certain information.

The bill also includes a new general provision, Section 618, to delay obligations of any receipts deposited into the Crime Victims Fund in excess of \$500,000,000 until October 1, 2000. Due to unprecedented antitrust criminal fines collected in fiscal year 1999, receipts deposited into the Fund and available for obligation are estimated to total in excess of \$1,025,000,000. Previous obligations from the Fund have not exceeded \$350,000,000 on an annual basis. This provision will allow a total of \$500,000,000 to be disbursed from the Fund in fiscal year 2000, a 50% increase from fiscal year 1999. The remaining balance of \$525,000,000 in the Fund will be-

action to ensure that a stable source of funds will remain available for this program.

The bill includes a new general provision as section 619, which provides that none of the funds under this Act may be used to publish or issue an assessment required under section 106 of the Global Change Research Act of 1990 unless: (1) the supporting research has been subjected to peer review and, if not otherwise publicly available, posted electronically for public comment prior to use in the assessment; and (2) the draft assessment has been published in the Federal Register for a 60 day public comment period.

Language has been included under section 620 of General Provisions prohibiting the use of funds to propose or issue rules, regulations, decrees, or orders for implementing the Kyoto Protocol prior to Senate ratification.

## TITLE VII—RESCISSIONS

### DEPARTMENT OF JUSTICE

#### IMMIGRATION AND NATURALIZATION SERVICE

##### IMMIGRATION EMERGENCY FUND

(RESCISSION)

The Committee recommends a rescission of \$1,137,000 representing the remaining unobligated balances in the Fund.

### DEPARTMENT OF STATE AND RELATED AGENCIES

#### UNITED STATES INFORMATION AGENCY

##### INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

The Committee recommends a rescission of \$14,829,000 from unobligated balances in this account. This amount is the remaining unobligated balance of funding originally provided to support the costs of relocating the headquarters of Radio Free Europe/Radio Liberty from Munich to Prague.

### RELATED AGENCIES

#### SMALL BUSINESS ADMINISTRATION

##### BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

The Committee recommends a rescission of \$12,400,000 from unobligated balances under this heading. This amount represents moneys received by the SBA from the repurchase of preferred stock. This funding had been available to provide certain SBIC debenture guarantees, but is no longer needed as the SBIC debentures program will have a zero subsidy rate in fiscal year 2000.

CJS



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

THE DIRECTOR

July 29, 1999

The Honorable C. W. Bill Young  
Chairman  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 2000, as approved by the House Subcommittee. As the Committee develops its version of the bill, your consideration of the Administration's views would be appreciated.

The Administration appreciates the Subcommittee's efforts to accommodate some of the Administration's priorities within its 302(b) allocation. However, the inadequacy of the 302(b) allocation has forced the Committee to make choices that are simply unacceptable.

The President's FY 2000 Budget proposes levels of discretionary spending that meet important national needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance vital spending needs. Congress has approved and the President has signed into law nearly \$29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider more of such proposals as the FY 2000 appropriations process moves forward.

In total, the Subcommittee bill does not include the resources necessary to support high priority programs at an acceptable level. The bill would jeopardize critical activities and initiatives in a number of areas, including:

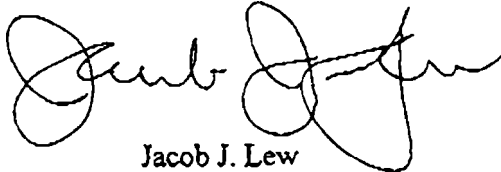
- 21st Century Policing Initiative/Community Oriented Policing Services (COPS). The Subcommittee does not fund the 21st Century Policing Initiative. The President's request would enable local police Departments to hire up to 50,000 additional community police officers, hire new community prosecutors, and expand community-based prevention efforts.

- Legal Services Corporation. The Subcommittee funding level for the Legal Services Corporation is unacceptable and would severely cripple the program. Such a low funding level would call into question the Federal Government's commitment to ensuring that all Americans, regardless of income, have access to the judicial system.
- Civil Rights Enforcement. Inadequate funding by the Subcommittee would: undermine the ability of the Equal Employment Opportunity Commission to reduce the backlog of employment discrimination complaints; reduce the ability of the Civil Rights Division to expand its investigations and prosecutions of fair housing, lending, American's with Disabilities Act and other cases; and reduce resources for the U.S. Commission on Civil Rights.
- Anti-Drug Programs. No funding is provided for the Drug Intervention Program, which would help States and localities implement tough new systems to drug test, treat, and punish drug offenders and funding is reduced for the highly successful Drug Courts program. Requested funding is also not provided for the FBI and DEA.
- Terrorism/Cybercrime. Inadequate resources are provided to protect against chemical and biological weapons and other counterterrorism activities.
- Brady Handgun National Instant Check System. The bill would prohibit the establishment of a fee to fund the Brady Handgun National Instant Check System (NICS).
- Tobacco Litigation. The Administration is disappointed that the Subcommittee has not provided the direct appropriations requested for tobacco litigation, which the Department plans to bring on behalf of the American people to recover money properly owed to the Treasury.
- Environmental Initiatives. Inadequate funding is provided for the President's Lands Legacy initiative, Pacific coastal salmon recovery efforts, the Pacific Salmon Treaty, and other programs.
- Economic Development and Technology Programs. The Advanced Technology Program is terminated. The Small Business Administration new markets initiative is not funded and deep cuts in other programs will undermine SBA's ability to serve small businesses across the nation.
- International Programs. The Subcommittee underfunds activities to support the ongoing conduct of effective diplomacy, and does not fully fund payments to international organizations necessary to ensure U.S. leadership in international affairs.

If the bill were presented to the President in its current form, the President's senior advisers would recommend that he veto the bill.

Detailed comments on the Subcommittee bill are provided in the enclosure. We look forward to working with the Committee to address our mutual concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacob J. Lew". The signature is fluid and cursive, with the first name "Jacob" being particularly prominent.

Jacob J. Lew  
Director

Identical Letter Sent to The Honorable C. W. Bill Young,  
The Honorable David R. Obey, The Honorable Harold Rogers,  
and The Honorable Jose E. Serrano

Enclosure

Enclosure  
(House Committee)

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,  
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2000**  
**(AS APPROVED BY THE HOUSE SUBCOMMITTEE)**

Legal Services Corporation

The Subcommittee bill funds the Legal Services Corporation (LSC) at \$141 million, \$159 million below the FY 1999 enacted level and \$199 million below the President's request of \$340 million. This funding level is unacceptable and would severely cripple the program. Such a low funding level would call into question the Federal Government's commitment to ensuring that all Americans, regardless of income, have access to the judicial system. The Administration urges the Committee to fully fund the President's request for the LSC.

Department of Justice

21st Century Policing Initiative/Community Oriented Policing Services (COPS). The Administration strongly opposes the Subcommittee's decision to not fund the 21st Century Policing Initiative and to fund the COPS program at only \$268 million. We urge the Committee to fully fund the 21st Century Policing Initiative at the requested level of \$1,275 million. This provision would enable local police Departments to hire up to 50,000 additional community police officers, hire new community prosecutors, and expand community-based prevention efforts.

Law Enforcement Funding Level. The Administration appreciates the Subcommittee's support for many of the Justice Department's law enforcement programs. The Subcommittee's marks are substantially higher than the Senate's levels for these critical programs. We request that the Committee redirect funding for lower priority and unrequested programs to programs of higher priority, such as the 21st Century Policing Initiative. We are concerned about Subcommittee action in the areas discussed below.

Civil Rights Enforcement. The Administration urges the Committee to fully fund the request for the Civil Rights Division. The President's requested level, \$82 million, would enable the Department to expand significantly its investigations and prosecutions of criminal civil cases (including hate crimes and police misconduct), fair housing and lending cases, and violations of the Americans with Disabilities Act.

Anti-Drug Programs. The Administration opposes the Subcommittee's decision not to provide \$100 million for the Drug Intervention Program, which would help States and localities implement tough new systems to drug test, treat, and punish drug offenders. In addition, the Administration objects to the Committee's proposed \$10 million reduction to the request for the highly successful Drug Courts program. Taken together, the Subcommittee's actions would make it difficult to achieve the drug reduction targets in the annual drug strategy and in the Office of National Drug Control Policy Reauthorization Act of 1998.

Protection Against Chemical and Biological Weapons. The Administration is disappointed with the Subcommittee's decision to reduce funding for the \$174-million effort to provide equipment, training, other assistance to State and local first responders by \$100 million. We believe the levels proposed in the President's budget reflect the appropriate balance among antiterrorism activities. In particular, we hope that the Committee will provide the Administration's request for bomb squad equipment and for research and development.

Brady Handgun National Instant Check System. The Administration is concerned that the Subcommittee bill would prohibit the establishment of a fee to fund the Brady Handgun National Instant Check System (NICS). We urge the Committee to approve the requested fee.

Bureau of Prisons. The Administration urges the Committee to strike section 103 of the Subcommittee bill, which would prohibit the Bureau of Prisons from funding abortions except in cases of rape or where the life of the mother is endangered. The Department of Justice believes that there is a great likelihood that this provision would be held unconstitutional.

Counterterrorism Fund. The Administration urges the Committee to fully fund the Administration's \$27 million request, which is needed to ensure sufficient resources to cover unanticipated expenses in combating terrorism.

Indian Country Law Enforcement. The Administration is concerned that the Subcommittee has not provided any funding for the Indian Country law enforcement initiative. We urge the Committee to fully fund the Administration's request of \$124 million.

Tobacco Litigation. The Administration is disappointed that the Subcommittee has not provided the direct appropriations requested for tobacco litigation, which the Department plans to bring on behalf of the American people to recover money properly owed to the Treasury. Given that the States settled their claims against the tobacco industry for more than \$200 billion and that Federal health care costs substantially exceed those of the States, the \$20 million requested by the Administration is a small investment with enormous potential benefits.

State Criminal Alien Assistance Program. The Administration appreciates the Subcommittee's funding of the State Criminal Alien Assistance (SCAAP) program. However, as requested in a July 19, 1999, budget amendment, we urge the Committee to allocate \$19.4 million in SCAAP funding to reimburse Guam, the Commonwealth of the Northern Mariana Islands, and the Department of Justice for the costs of detaining and repatriating smuggled aliens. The funding will be used to reimburse these Governments and the Department of Justice for their FY 1999 and FY 2000 detention housing costs. It is estimated that the use of SCAAP funds for this purpose will reduce reimbursement by one cent for every dollar claimed.

Youth Prevention Block Grant. The Administration appreciates the Subcommittee's support of juvenile prevention programs. However, in place of the block grant, which could support a wide range of unfocused activities, the Administration urges the Committee to appropriate the funding through the At-Risk Children's program. This will ensure that continued support is provided for the Safe Schools/Healthy Students initiative and for Indian Country.

### Department of Commerce

National Oceanic and Atmospheric Administration. The Administration is deeply concerned about the Subcommittee's significant reductions to the request for the National Oceanic and Atmospheric Administration (NOAA), and urges that full funding be restored for the agency's critical initiatives. Specifically, the Administration urges the Committee to provide an additional \$105 million to fully fund the Lands Legacy Initiative, which is critical to help restore and protect our Nation's oceans and coastal resources; \$52 million for a new state-of-the-art research vessel to conduct fisheries stock assessments and meet the increasing demands of the Magnuson-Stevens Act; and, \$160 million to implement the Pacific Coastal Salmon Recovery program, to include tribal funding, and fulfill our commitments under the recently signed Pacific Salmon Agreement with Canada.

It is crucial that the Endangered Species Act program be funded at the requested level to support implementation and foster Federal partnership efforts with the States. The Administration also urges that funding be restored for the Global Learning and Observations to Benefit the Environment program and for NOAA's effort to build capacity at, and promote relationships with, Historically Black Colleges and Universities. In addition, the Administration strongly urges the Committee to restore funding for the President's Information Technology Initiatives and climate and global change research.

The Administration opposes the reduction to the National Polar-orbiting Operational Satellite System (NPOESS). This reduction, particularly if combined with a reduction in the Department of Defense appropriations bill, would likely significantly delay the program and could result in a gap in satellite coverage. It is also critical that the Committee provide full funding for the National Weather Service's (NWS's) base activities and radiosonde replacement program. Finally, the Administration requests that the Committee fully fund the Advanced Weather Interactive Processing System (AWIPS) to allow the NWS to provide AWIPS coverage at all Weather Forecast Offices. Full funding of the AWIPS will help to continue modernization efforts to improve support of severe weather warnings and general forecasts.

Technology Administration Programs. The Administration strongly opposes the Subcommittee's elimination of funding for the Advanced Technology Program (ATP). This program is producing significant economic benefits by promoting development of cutting-edge technologies. Independent economic studies forecast that benefits from just three early ATP projects could exceed the total program costs to date.

While the Administration is pleased to see that the Manufacturing Extension Program has been fully funded, we are concerned with the freeze at the FY 1999 enacted level for in-house research and construction accounts of the National Institute of Standards and Technology (NIST). These funding levels would impede NIST's standards leadership and delay construction of its Advanced Measurement Laboratory.

The Administration urges the Committee to provide the \$2 million requested for the National Technical Information Service (NTIS) to facilitate the long-term resolution of NTIS's financial problems in FY 2000. We anticipate working closely with the Congress in resolving these problems.

Patent and Trademark Office. The Subcommittee has reduced the Patent and Trademark Office's (PTO's) new spending authority by \$51 million from the request and by \$10 million from current levels. We urge the Committee to enable PTO to spend the requested amount from its earned fees. Excessive constraints on fee-funded staffing and technology investments when patent and trademark applications are at record levels would make it difficult for PTO to process applications in a timely manner. In addition, the Administration would oppose amendments that would delay or terminate the ongoing procurement of a long-term lease for PTO.

Critical Infrastructure and other Associated Programs. The Administration is disappointed that funding for the Critical Infrastructure Assurance Office (CIAO) has been eliminated and urges the Committee to restore funding for this essential activity. The CIAO is crucial to implementing Presidential Decision Directive 63 and coordinating the Nation's critical infrastructure program. Likewise, we urge full funding for critical infrastructure activities in the National Telecommunications and Information Administration, including lead agency, Information Sharing and Assessment Center, and research activities for the telecommunications sector. In addition, the Administration urges that full funding be provided for Chemical Weapons Convention, National Defense Authorization Act, and Export Control Automated Support System redesign activities.

Decennial Census. The Administration has proposed to fully fund the Decennial Census within the limitations of the budget caps and we urge the Committee to work on a funding approach that is consistent with our proposal. The Administration appreciates that the Subcommittee has recommended funding all but \$15 million of the request for the decennial census. We are concerned that funding for decennial census activities is appropriated by "framework." This would impose unnecessary restrictions on the Census Bureau's ability to manage the program and respond to a changing environment.

Non-decennial Economic and Statistical Analysis. In addition to concerns about the decennial census, the Administration urges that full funding be provided for high-priority initiatives such as the continuous measurement program. Continuous measurement will provide valuable annual demographic information and eliminate the need for the "long form" in the 2010 census. The Administration urges the Committee to increase Census Bureau and Economics and Statistics Administration's (ESA's) Salaries and Expenses accounts from a freeze at the FY 1999 level to the requested level. Funding the Census Bureau at the FY 1999 level could lead to a reduction-in-force, thereby impairing the Bureau's ability to carry out its economic and demographic survey work. The freeze for ESA combined with funding already enacted pay increases could lead to a six-percent reduction of its workforce, impairing the ability of the Bureau of Economic Analysis (BEA) to account properly for GDP and electronic commerce. The Administration urges the Committee to strike language that would prohibit base funds from being used on Integrated Economic and Environmental satellite accounts. The National Research Council's recent analysis of this issue, which was requested by the Congress, reported favorably on BEA's initial work in this area.

National Telecommunications and Information Administration. The Administration urges the Committee to avoid a large reduction in the Public Telecommunications Facilities, Planning and Construction Program, which would seriously jeopardize the ability of public broadcasters to meet the Federally-mandated May 2003 deadline for the transition to digital broadcasting. We also recommend full funding for Information Infrastructure Grants, a program with a proven track record of extending the reach of innovative technology to underserved communities.

Economic Development Administration. The Administration recommends that the Committee restore the President's requested funding level for the Economic Development Administration's (EDA's) Salaries and Expenses account in order to maintain appropriate administrative oversight of EDA grant programs.

### Small Business Administration

The Administration is very concerned that the Subcommittee mark does not include the requested \$85 million in funding for the Small Business Administration's (SBA's) new markets initiatives to invest in targeted rural and urban areas. In addition, we strongly oppose the reductions in funding for SBA operations, including the \$37 million reduction to the request for the Business Loan Program's administrative expenses and the elimination of the \$45 million requested for indirect Disaster Loan Program administrative expenses. These funding levels could require SBA to eliminate up to 2,400 staff positions, or 75 percent of the agency's current staff level, undermining SBA's ability to serve small businesses across the Nation. Finally, the Administration urges the Committee to provide funds to support the full \$10.5 billion requested for 7(a) business loan volume.

### International Affairs Program

Embassy Security. The Administration appreciates the Subcommittee's strong support for improved embassy security, including the funds provided for the ongoing costs of immediate improvements in the aftermath of the bombings in Nairobi and Dar es Salaam, as well full funding of the FY 2000 request for an accelerated construction program of new, secure facilities. However, the Subcommittee's mark does not address the President's request for advance appropriations necessary to support a multi-year capital improvement program. This multi-year construction program to protect all Americans serving abroad is a top priority of the President and his senior advisers. There is unanimity among security experts that a robust, multi-year program is a necessary component of a long-term solution to security threats.

Department of State Operating Expenses. The Administration is very concerned about the Subcommittee's reduction of \$101 million for the Department of State's operating requirements. While recognizing the Subcommittee's legitimate concerns that streamlining of ongoing State activities must continue, the reductions proposed would make it difficult for the Department to maintain operations needed to advance the Nation's foreign policy agenda, integrate the U.S. Information Agency and Arms Control and Disarmament Agency into a reorganized Department of State, and carry out basic mission activities such as passport services. The Subcommittee mark could require a hiring freeze, furlough of employees, and potential closure of overseas posts.

Earmarking. The Administration is concerned about the earmarking of funds for public diplomacy and international information programs. Mandating separate accounting within the Diplomatic and Consular Programs account for public diplomacy would be counter-productive to the Department's streamlining efforts and would impede efforts to integrate this function effectively. The Administration's plan would fully integrate public diplomacy across several different bureaus, making such accounting burdensome. The proposed integration would provide a better mechanism to identify and act on priority public diplomacy issues and coordinate Washington resources with the needs of the field.

Border Security Program. The Administration is pleased with the Subcommittee's continued support of fee collections necessary to execute the President's Border Security Program. However, limits placed on the amount of fees that can be used in FY 2000 could slow critically needed border security improvements. We urge the Committee to provide this fee authority without an artificial cap that would restrict FY 2000 resources available for this important program.

International Organizations. The Administration appreciates the steps that the Subcommittee has taken to fund the request for arrearage payments this year. We want to work with the Congress to ensure that these funds are available in a timely fashion to retain our influence in these organizations. We continue to seek full funding at the request level of \$446 million for UN arrears. In addition, we ask that the \$107 million UN credit be available under the same terms and conditions as the Senate-passed authorization bill.

The Subcommittee significantly underfunds the annual assessed contributions funded through the Contributions to International Organizations and Contributions for International Peacekeeping Activities accounts. The proposed funding levels would increase arrears and further inhibit chances for the reforms we all are seeking. The Administration is concerned that such funding levels would seriously impair the ability of the United States to address foreign policy interests through the mechanism of U.N. peacekeeping, especially in light of increasing requirements. The Subcommittee continues a \$100 million withholding for a UN budget cap certification, which would contribute to the possibility of the U.S. losing its vote in the UN as of January 1, 2000. We urge that this withholding be eliminated.

Educational and Cultural Exchange Programs. The Administration strongly opposes the Subcommittee's severe reductions to educational and cultural exchange programs. These reductions would reverse the Administration and Congress' joint efforts over the past few years to build the capacity of the Fulbright academic exchange program, cut the number of future leaders who participate in the International Visitors Program, and hurt our ability to engage Americans directly in substantive international activities with their counterparts abroad.

International Broadcasting. The Administration is concerned that the Subcommittee's levels for international broadcasting operations and capital improvements would make it difficult to maintain the current levels of non-military international broadcasting. In addition, we urge the Committee not to rescind \$14 million for broadcasting operations. The Administration has submitted a request to reprogram a portion of these funds to defray the cost of broadcasting to the Kosovo region and for other high priority needs.

Other International Accounts. The Administration requests restoration of the Subcommittee's \$7 million reduction to the grant to the Asia Foundation. In addition, we are concerned about the reductions below the FY 2000 request for the American Institute in Taiwan and the International Commissions. Such reductions would place a disproportionate burden on the operating budgets of these small agencies. Finally, the Administration opposes the Subcommittee's decision to eliminate funding for the East-West Center and North-South Center.

Presidential Advisory Commission on Holocaust Assets. The Administration appreciates the inclusion of the \$1.162 million transfer from the Department of State for the Presidential Advisory Commission on Holocaust Assets in the United States. However, we are concerned that without adequate funding from the Department of Justice, the Commission will be unable to fulfill its important mandate to research and report on the collection and disposition of Holocaust-era assets in the United States.

Vietnam. The Administration is concerned that language in the Subcommittee bill regarding Vietnam would unconstitutionally constrain the President's authority with respect to the conduct of diplomacy.

#### Securities and Exchange Commission

The Administration is concerned about the \$37 million reduction from the requested program level for the Securities and Exchange Commission (SEC). The Subcommittee mark would make it difficult for the agency to fulfill its core mission of protecting investors and providing oversight of securities markets. Such a reduction could require the SEC to cut staffing by 300 work-years, curtail expenditures for technology to fight internet fraud, and cut back support for litigation efforts. We urge the Committee to fully fund the request of \$361 million.

#### Equal Employment Opportunity Commission

The Administration urges the Committee to fully fund the request of \$312 million for the Equal Employment Opportunity Commission (EEOC). The Subcommittee bill would freeze funding for the Commission at the FY 1999 enacted level of \$279 million. Funding EEOC at the requested level would allow the Commission to significantly reduce the backlog of employment discrimination complaints and strengthen the effective use of alternative dispute resolution techniques.

### U.S. Commission on Civil Rights

The Administration urges the House Committee to increase the mark for the U.S. Commission on Civil Rights (the Commission) from the FY 1999 level of \$8.9 million. Funding the Commission at the requested level of \$11 million would help ensure an informed public debate about critical civil rights issues that deserve national attention.

### Federal Communications Commission

The Administration urges full funding of the requested increases for the Federal Communications Commission (FCC). The Subcommittee's funding level could require an agency-wide furlough or reduction-in-force, impairing the FCC's ability to carry out its mission. The Administration also strongly urges the Committee to adopt the proposal to clarify the relationship of bankruptcy law with regard to spectrum licenses, which will provide savings and help ensure the integrity of the spectrum auction process.

### Office of the United States Trade Representative

The Administration urges the Committee to fully fund the Office of the United States Trade Representative (USTR). The requested level will allow USTR to carry out its extensive and expanding negotiating mandate and will support an expansion of efforts in key and emerging regional areas, including Japan, China, and Africa, as well as on agricultural trade.





# White House Climate Change Task Force

734 Jackson Place, N.W. • Washington, DC 20503

## FACSIMILE TRANSMISSION SHEET

<b>To</b>	<i>Elfie</i>	<b>From</b>	<i>Julie</i>
<b>Office</b>		<b>Date</b>	
<b>Fax Number</b>		<b>Fax Number</b>	395-2311
<b>Office Number</b>		<b>Office Number</b>	395-2310

**Comments:**

*All try to e-mail this to*

**Pages:** \_\_\_\_\_, including this cover sheet.

**IF TRANSMITTAL IS INCOMPLETE, PLEASE PHONE**

*House Ag*

IB

**Union Calendar No. 87**106TH CONGRESS  
1ST SESSION**H. R. 1906****[Report No. 106-157]**

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

MAY 21, 1999

Mr. SKEEN, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed ..

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**A BILL**

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following sums are appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, for the

1 Center, which is an organization described in subsection  
2 (c)(3) of section 501 of the Internal Revenue Code of 1986  
3 and is exempt from taxation under subsection (a) of such  
4 section.

5       SEC. 737. None of the funds appropriated by this Act  
6 shall be used to propose or issue rules, regulations, de-  
7 crees, or orders for the purpose of implementation, or in  
8 preparation for implementation of the Kyoto Protocol  
9 which was adopted on December 11, 1997, in Kyoto,  
10 Japan.

11       This Act may be cited as the "Agriculture, Rural De-  
12 velopment, Food and Drug Administration, and Related  
13 Agencies Appropriations Act, 2000".

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG  
ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2000

MAY 21, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SKEEN, from the Committee on Appropriations,  
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 1906]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year 2000.

SUMMARY OF ESTIMATES AND RECOMMENDATIONS

	FY 1999 appropriation	FY 2000 estimate	FY 2000 recommendation	FY 2000 recommendation compared with	
				FY 1999 appropriation	FY 2000 estimate
Title I—Agricultural Programs .....	\$14,481,998,000	\$20,174,117,000	\$20,056,493,000	+\$5,573,495,000	-\$118,624,000
Title II—Conservation Programs .....	793,072,000	866,829,000	800,012,000	+6,940,000	-66,808,000
Title III—Rural Economic and Community Development Programs .....	2,175,234,000	2,194,348,000	2,135,508,000	-39,726,000	-58,841,000
Title IV—Domestic Food Programs .....	36,067,192,000	41,381,688,000	35,570,668,000	-546,531,000	-5,861,020,000
Title V—Foreign Assistance and Related Programs ..	1,196,718,000	1,056,853,000	1,160,191,000	-36,577,000	+103,338,000
Title VI—Related Agencies and FDA .....	1,846,138,000	1,289,355,000	1,169,760,000	+123,567,000	-39,695,000

Section 720: Provides that none of the funds may be used to carry out the provisions of section 918 of Public Law 104-127, the Federal Agriculture Improvement and Reform Act.

Section 721: This provision prohibits any employee of the Department of Agriculture from being detailed or assigned to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

Section 722: This provision prohibits the Department of Agriculture from transmitting or making available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

Section 723: Language is included that requires approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board for acquisition of new information technology systems or significant upgrades.

Section 724: Language is included that requires certain reprogramming procedures of funds provided in Appropriations Acts.

Section 725: Language is included to prohibit funds from being used to carry out programs under the Fund for Rural America.

Section 726: Language is included to limit the amount of funds available for the Environmental Quality Incentives Program to \$174,000,000.

Section 727: Language is included to prohibit contract acreage payments to a producer who plants wild rice on contract acreage unless the contract payment is reduced by an acre for each acre planted to wild rice.

Section 728: Language is included to limit enrollment of acres in the Wetlands Reserve Program to 120,000 acres.

Section 729: Language is included to prohibit funds from being used to carry out the Initiative for Future Agriculture and Food Systems.

Section 730: Language is included that defines rural areas for certain business programs that were in place prior to the enactment of P.L. 104-127.

Section 731: Language is included that funds in this Act shall not be used to carry out any commodity purchase program that would prohibit eligibility or participation by farmer-owned cooperatives.

Section 732: Language is included that prohibits funds from being used to carry out the Conservation Farm Option program.

Section 733: Language is included that prohibits funds from being used to prepare a budget submission to Congress that assumes reductions from the previous year's budget due to user fee proposals unless the submission also identifies spending reductions which should occur if the user fees are not enacted.

Section 734: Language is included that prohibits the establishment of the Office of Community Food Security or any simi-

lar office without the prior approval of the Committees on Appropriations of both Houses of Congress.

Section 735: Language is included that prohibits the use of the funds made available by this Act or any other Act for the National Swine Research Center.

Section 736: This provision limits the amount of funds available for the emergency food assistance program and provides \$1,000,000 for a fellowship program on hunger.

Section 737: Language is included that prohibits funds made available by this Act to issue rules, regulations, decrees, or orders for the purpose of implementation of the Kyoto Protocol

COMPLIANCE WITH CLAUSE 3 OF RULE XIII (RAMSEYER RULE)

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter printed in italic, existing law in which no change is proposed is shown in roman):  
The bill proposes no changes in existing law.

APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the following table lists the appropriations in the accompanying bill which are not authorized by law:

- Dairy Indemnity Program
- Elderly Feeding Program
- Emerson-Leland Hunger Fellowships

RESCISSIONS

Pursuant to clause 3(f)(2) of rule XIII of the Rules of the House of Representatives, the following table is submitted describing the rescissions recommended in the accompanying bill:  
The bill proposes no rescissions.

COMPARISON WITH BUDGET RESOLUTION

Clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives requires an explanation of compliance with section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), as amended, which requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the Act for the most recently agreed to concurrent resolution on the budget for the fiscal year from the Committee's section 302(a) allocation. This information follows:

(In millions of dollars)

Full committee title	2020 allocation		This bill	
	Budget authority	Outlays	Budget authority	Outlays
Comparison with Budget Resolution				
Discretionary				



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

THE DIRECTOR

September 15, 1999

The Honorable C. W. Bill Young  
Chairman  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on H.R. 1906, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 2000, as passed by the House and by the Senate, respectively. As you develop the conference version of the bill, your consideration of the Administration's views would be appreciated.

The allocation of discretionary resources available under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved, and the President has signed into law, nearly \$29 billion of such offsets in appropriations legislation since 1995. The Administration urges the conferees to consider such proposals as the FY 2000 appropriations process moves forward.

The Administration appreciates efforts by the House and the Senate to accommodate certain of the President's priorities within the 302(b) allocation. However, the House bill is \$627 million below the program level requested by the President; the Senate bill is \$551 million below the program level requested by the President. The FY 2000 Budget proposed an increase in spending within the discretionary caps for agriculture and other programs in the bill by 3.6 percent compared to FY 1999 spending. We urge the conferees to consider the over \$600 million in user fees proposed in the FY 2000 Budget in order to fund high-priority programs.

Given the current period of financial stress in the agricultural sector, now is not the time to reduce assistance to farmers, ranchers, and rural residents. Regrettably, this bill, like several others moving through the appropriations process, also contains reductions to a number of important science and technology programs.

## Disaster and Related Assistance

The President has called for assistance to U.S. farmers and ranchers suffering this year from low commodity prices and natural disasters, including drought. The Administration generally agrees with the total additional funding level provided in the Senate bill, but strongly disagrees with the way the Senate has allocated the funding. The Administration supports this additional funding in the context of appropriations requests that can be funded within the non-social security surplus, and will work with the Congress to achieve this result.

The Freedom to Farm Bill is failing. The Administration believes the income assistance component must address the fundamental shortcomings of the 1996 Farm Bill by providing counter-cyclical assistance and targeting this assistance to smaller farms and producers most in need -- rather than simply increasing AMTA payments. AMTA payments are distributed through a formula that is not based on current market conditions for which farmers need assistance, and in some cases go to those who are not active producers. In addition, the aid package must include crop and livestock loss assistance to help farmers and ranchers recover from the drought in the east and other natural disasters around the country. This could be provided through crop loss payments and livestock feed and mortality assistance, as well as through programs to address unique needs such as the Emergency Wetlands Reserve Program. Many lower-income families have been more adversely affected by this difficult production year, and funds should be provided to displaced farm laborers.

Increased conservation program resources can help mitigate the current stress in agriculture, providing immediate assistance to farmers and ranchers who establish or maintain stewardship practices that have important environmental benefits. Both the House and Senate have cut spending on key USDA conservation programs. The appropriations bill should fully fund the President's request for the Environmental Quality Incentives Program (EQIP), and the Wetlands Reserve Program (WRP). The Administration also believes that, as part of the aid package, the cap on Conservation Reserve Program should be raised from 36.4 to 40 million acres; EQIP should receive additional funding; and the current cap on Wetlands Reserve Program should be eliminated to permit enrollment of up to 250,000 acres per year. Additional funds are also needed for technical assistance to implement these programs as well as the Debt-for-Nature program, which enables overextended producers to reduce their debt burden in exchange for conservation easements. In addition, to expand markets for agricultural products and provide environmental benefits, we urge the Congress to support the Administration's bio-energy agenda and to provide additional funding in this package to support expanded opportunities for family farmers in the production of ethanol fuels.

It is already clear that many producers will need additional help in arranging financing for next year's crop, given their cash flow projections using crop-price forecasts for this year and next. Consequently, additional farm loan funds are an important part of the emergency aid package. To help farmers cope with crop storage problems and improve their marketing flexibility, funding should be reinstated for loans to finance construction of on-farm storage facilities. More resources are also needed in this year's farm aid package to support FY 2000 Farm Service Agency staffing, and to maintain and improve information systems and customer service through USDA county offices.

A number of segments within the agricultural economy are facing hardships that require assistance through tailored programs. The Administration recommends that funds be provided for livestock, because of continuing low prices. We also support the Senate's first year of funding for the "Step 2" program for cotton, and recommend that Congress extend the dairy price support program beyond its scheduled termination at the end of 1999.

The Administration looks forward to working with the conferees to craft this urgently needed farm assistance package. In addition, we strongly urge the Congress to enact the other Administration proposals to strengthen the farm safety net, including crop insurance reform and extending the term on marketing loans and allowing unused Export Enhancement Program funds be re-directed for other agricultural trade purposes. The Administration is also committed to working with Congress to revise the Farm Bill so that we are not confronted with a similar crisis next year.

Finally, the Administration supports providing funds to mitigate the effects of the commercial fisheries failure in the Northeast. Among other uses, these funds could support planning and conservation efforts, including so-called buy backs. The Administration has proposed over \$18 million for FY 2000 for various forms of fisheries assistance in the Northeast. To date, however, the House has provided only \$7 million and \$5 million, respectively. We believe it is important to address this issue.

#### Food and Drug Administration

The Administration strongly opposes the House-passed provision that would prohibit FDA from using funds for the testing, development, or approval of any drug for the chemical inducement of abortion. This prohibition is unacceptable. The determination of safety and effectiveness is the cornerstone of the consumer protection established by the Federal Food, Drug, and Cosmetic Act and must continue to be based on the scientific evidence available to FDA. Prohibiting FDA from reviewing applications for particular products could deprive patients of new therapies that are safer and more effective than those currently approved. Additionally, this provision could conceivably put women at risk because it might allow clinical trials of such drugs to proceed without FDA supervision.

While the Administration is encouraged that the House and Senate provided increases of \$113 million and \$62 million, respectively, over the FY 1999 enacted level for the Food and Drug Administration (FDA), we are disappointed that neither funded the full request for the FDA, including enforcing rules against sales of tobacco to youth, consolidating Federal seafood inspection activities at FDA, and making appropriate progress toward meeting statutory mandates and public expectations for ensuring the safety of foods and drugs.

The Administration is committed to Youth Tobacco Prevention activities and urges the conferees to provide the requested increase of \$34 million for these programs. Every day, three thousand young people become regular smokers. Reducing young people's tobacco use would improve public health for generations to come. This is particularly important in light of the decision of the conferees on the FY 1999 Emergency Supplemental Appropriations Act to permit States to retain the entire amount secured from tobacco companies without any commitment whatsoever from the States that those funds be used to reduce youth smoking. To help discourage youth smoking, we urge the conferees to consider the Administration's proposal to increase tobacco taxes.

The Administration is concerned that the House and Senate reductions of \$13 million and \$59 million, respectively, from the President's request for FDA activities other than the Food Safety Initiative (FSI) and tobacco would jeopardize the FDA's ability to improve the public health infrastructure through enhanced product safety assurance and injury reporting systems. The Administration encourages the conferees to fully fund the requested increases for pre-market review, inspections, and adverse event reporting.

The Administration urges the conferees to approve the request to consolidate Federal seafood inspection activities into FDA and to fully fund the requested \$3 million request for training, education, and other costs associated with the NOAA seafood inspection program's transfer.

We urge the conferees to approve the collection of \$17 million in additional user fees targeted to support the FDA's Pre-market Application Review efforts for new medical devices, food and color additives, and food contact substances. The proposed user fees would allow the FDA to work with its regulated industries to reduce total product development time and to meet statutory review requirements. Delays in getting new products to the market can postpone new technologies that have the potential to save lives and save billions of dollars in health care costs. The Administration would like to work with Congress to make this proposal a reality.

The Administration is concerned about the Senate reduction to the FDA building and facilities account, which would delay the completion of FDA regional lab consolidation and replacement. The Senate did not provide the \$20 million requested for the replacement of the outdated Los Angeles regional lab or the \$3 million needed to continue work on the Arkansas regional facility. It would also prohibit the FDA from closing the Detroit lab (whose work is being shifted to Arkansas and Philadelphia) and making the Detroit district office an FDA station. We are also concerned about funding earmarks and restrictive language on ephedra, antimicrobial resistance, and import samples that could make it difficult for the FDA to function efficiently. The Administration urges the conferees to fund these activities at the President's requested level and to delete the restrictions in the Senate bill.

## Food Safety Initiative

The Administration appreciates Congress' support for the President's Food Safety Initiative (FSI) but is concerned that the House provided only \$35 million and the Senate provided only \$42 million of the \$62 million increase over the FY 1999 enacted level requested in this bill for the Initiative.

The President's request would provide critical resources to expand USDA's risk assessments and data collection to include the pre-harvest phase for foods. The bills' inadequate funding for USDA bioscience research would slow the improvement of methods to handle and treat agricultural products to minimize microbial contamination. By reinstating the \$5 million that was reduced by the Senate, FDA would be able to conduct 75 more foreign inspections, double their coverage of high-risk imported food inspections, and improve retail education efforts. American consumers enjoy the world's safest food supply, but still too many Americans get sick, and in some cases die, from preventable food-borne diseases. We strongly urge the conferees to provide full funding at the requested levels for these activities and to consider the Administration's proposal to charge user fees for Federal meat and poultry inspection services in support of a safe food supply.

## Women, Infants, and Children Program

The Administration strongly supports the Senate's \$30 million increase for WIC, compared to the House level. The Senate level would sustain a participation level of 7.4 million in FY 2000. However, we remain concerned that even this funding level will be insufficient to support the projected demand of 7.5 million, thereby not achieving our longstanding goal of full participation. The Administration strongly urges the conferees to fund WIC at the President's \$4.1 billion request.

## Common Computing Environment

The Administration is very concerned by the House and Senate decision not to fund the Common Computing Environment, either directly through the Support Services Bureau, as requested in the President's budget, or by providing additional funds to the county-office agency salaries and expense accounts. Some in Congress have criticized USDA this year for delays in distributing the crop-loss assistance funds to farmers that were provided in P.L. 105-277, the FY 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act, and for the long waiting periods that some farmers and rural residents have faced in receiving other assistance through USDA county offices. Yet this bill would not provide the funds needed to address the very problems that contributed to the delays. Without the proposed \$74 million in funding, it will not be possible to modernize the technology in USDA's local field offices, create "one-stop shopping" for rural customers, and promptly deliver the programs that Congress enacts with available staffing levels. At a time when the farm community is under financial stress and the demand for farm credit and other programs is high, the need to provide for timely and efficient services to producers and rural residents has never been greater.

## Lands Legacy

The House and Senate failed to fund the \$50 million discretionary portion of the Administration's request for the Farmland Protection Program, which is part of the Administration's Lands Legacy Initiative. Many of America's farmers need these funds to help them stay on their land, through easements that would permanently protect 80,000 acres of prime farmland from development. We urge the conferees to provide the \$50 million in discretionary funds requested for the program and also to redirect savings from the Conservation Farm Option to this program, as well as to the Wildlife Habitat Incentives Program to assist over 3,000 farmers in protecting and restoring wildlife habitat.

## Commodity Credit Corporation

Increasing demand for loan deficiency payments, along with emergency and ongoing programs of the Commodity Credit Corporation, has nearly depleted the Corporation's authority to borrow funds needed to carry out these activities. It is especially critical that the Conferees adopt the Senate language providing an indefinite appropriation to reimburse the CCC for its net realized loss. The language will ensure that the CCC has the resources which are needed both to implement emergency programs and to carry forward with its ongoing responsibilities.

## Outreach for Socially Disadvantaged Farmers

The House and Senate bills do not provide the requested \$7 million increase in Departmental Administration, for the Outreach for Socially Disadvantaged Farmers program. This program has proven effective in mitigating the decline in the number of minority farmers by increasing their participation in agricultural programs, assisting them in marketing and production, and improving the profitability of their farming operations. USDA loan default rates have also improved in areas where this program operates. The requested increase is needed to expand this program beyond the limited areas in which it now operates, to further these farmers' equal access and their opportunity for success, and to continue USDA's work to improve its civil rights performance.

## Research

For the Agricultural Research Service, both the House and the Senate have made major reductions in, or provided no funding for, Administration requests for increases in areas of high-priority national significance including sustainable ecosystems, air quality, global climate change, food quality protection, and human nutrition, in favor of unrequested local earmarks. We urge the conferees to restore funding for these high-priority projects to the President's request. In addition, the House and the Senate have reduced the President's request for competitive grants through the National Research Initiative (NRI) by \$95 million (-47%) and \$86 million (-43%), respectively, which are also below the FY 1999 enacted level, while providing significant increases for unrequested earmarked programs. We urge the conferees to restore funding to the NRI.

We are very disappointed that the House and Senate have once again chosen to block all, or most, funding for the Fund for Rural America and the Initiative for Future Agriculture and Food Systems. These two mandatory programs would support a wide range of programs to meet critical needs of rural Americans and agricultural producers, especially in this time of economic stress in the sector.

### Rural Development

The Administration appreciates both the House and Senate's support for some priority rural development programs, such as water and wastewater loans and grants and single-family housing loans. However, the House has not fully funded the President's request for the business and industry (B&I) loans and grants within the Rural Community Advancement Program (RCAP). The House bill would slash the B&I guaranteed loans from the enacted and requested level of \$1 billion to \$482 million, resulting in the creation or retention of 20,000 fewer jobs in rural America. We encourage the conferees to adopt the Senate-passed level and the Senate amendment for a three-percent fee on a portion of these loans, which together would provide just over the President's requested level for these loans. We also strongly urge the use of the House language that would provide full flexibility to USDA to transfer funds among the RCAP programs, thereby allowing the program to be implemented as authorized and requested and improving the targeting of federal funds to address unique local development needs.

The House level of \$583 million for the Rental Assistance Program would mean that over 1,300 expiring rental assistance contracts would not be renewed. This would leave over 1,300 low-income families, most of which are headed by elderly women or single mothers, to face a very difficult search for affordable shelter. It would also leave no additional funds for rental assistance for farm-labor housing or for new multifamily construction. We encourage the conferees to adopt the Senate level of \$640 million, which would fully fund the President's request for this program, and target those most in need of housing assistance.

The Administration is concerned that neither the House nor the Senate funding for Rural Development Salaries and Expenses is adequate to ensure the effective management of these programs. The Senate level of \$517 million could require Rural Development to eliminate over 400, or six percent, of its staff through a reduction-in-force (RIF). The House level of \$527 million is only slightly better and could require a RIF of over 300 Rural Development employees, a four-percent loss. We urge the conferees to provide the \$542 million requested funding to ensure an adequate delivery system for these vital programs that serve rural America.

### Foreign Agricultural Service

The Senate bill provides only the FY 1999 enacted level of funding for FAS. The House bill, while funding FAS at the requested budget level, does not authorize the request to establish a no-year account to manage overseas currency fluctuations. The Administration urges the conferees to fully fund FAS at the President's request. FAS is preparing for the next round of trade negotiations under the World Trade Organization framework. FAS funding has essentially been straight-lined for three years, which has forced the agency to absorb increased pay and other costs. The importance of FAS work in trade negotiations and in expanding global markets for U.S. agriculture should not be compromised, particularly given producers' current economic distress.

### Commodity Futures Trading Commission

The Administration is disappointed that the Senate bill reduces funding for the Commodity Futures Trading Commission (CFTC) by \$7 million, or 11 percent, from the President's request. This will result in a hiring freeze, difficulty in meeting workload demands, and possible layoffs. We urge the conferees to restore funding so that the CFTC will have staffing sufficient to maintain oversight and integrity of trading on futures exchanges.

### Amendment to Non-Immigrant Farm Worker Program

The Administration strongly opposes the Senate language regarding the non-immigrant farm worker program, which would adversely affect the recruitment of legal U.S. farm workers. The provision would shorten, from 60 to 45 days, the time before work begins that an employer must apply for using foreign workers. While this is not objectionable, it is unnecessary because the Department of Labor published a final regulation in the Federal Register in June that made this change. The provision would also reduce the time available to the Department of Labor (DOL) to issue its certification of the number of jobs that may be filled with guest workers, which is objectionable because it substantially shortens the recruitment period for legal U.S. farm workers to only 3-8 days. This is not long enough to recruit legal U.S. workers fairly and properly.

### Food and Nutrition Service Research

The Administration objects to any provision that would prohibit the use of Food and Nutrition Service (FNS) funds for research and evaluations of nutrition programs. To address program integrity and performance issues properly, it is crucial that research on nutrition programs occur in the context of the programs' administration. We urge the conferees to provide funding for these activities within FNS.

The Administration also objects to the House exclusion of the President's request to provide funding for the school breakfast demonstration programs and for Nutrition Education and Training.

The Administration urges the conferees to fund the Food Stamp Information and Nutrition Education program to ensure that working families can obtain information about their food stamp eligibility.

### Language Issues

The President believes that food and other human necessities should not be used as a tool of foreign policy except under extraordinary circumstances. On April 28, 1999, the Administration announced that the United States would exempt commercial sales of agricultural commodities and products for humanitarian purposes, as well as medicine and medical equipment, from future unilateral Executive Branch economic sanctions regimes-- unless the President determines our national interest requires otherwise -- and extended this policy to existing sanctions regimes on a case-by-case basis. Although the Administration shares an interest in generally exempting agricultural commodities from sanctions, the Administration strongly objects to Section 748(k) of the bill, which provides that the President may not impose a unilateral agricultural or medical sanction against a foreign country or foreign entity unless the President reports to Congress on the proposed action, and Congress approves such action by enactment of a joint resolution, not later than 60 days before imposition of the sanctions. This provision, as drafted, would seriously limit the President's ability to implement foreign policy and would have grave implications for our non-proliferation, counter-terrorism, and counter-narcotics initiatives. The 60-day notice requirement and requirement of affirmative legislation would hamstring the President's ability to respond expeditiously to future crises. In addition, the provision would immediately terminate current sanctions that are in the national interest.

Section 721 of the bill provides that no funds appropriated or otherwise made available to the Department of Agriculture may be used "to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process." This provision could impede communications within the executive branch to a degree that undercuts the President's ability to exercise his constitutional responsibilities as the Nation's Chief Executive Officer to enforce the laws. We are advised by the Justice Department that section 721 is constitutionally objectionable.

Section 735 of the bill would effectively require the President to provide legislative guidance to Congress by identifying the legislation he would propose if a given legislative recommendation were not enacted. Such a requirement that the President spell out for Congress his fallback position in the budget negotiation process conflicts with the Constitution's separation of executive and legislative powers, and specifically with the President's constitutional authority to recommend to Congress legislation that he deems appropriate.

The Administration objects to a number of provisions in the bill, which would require Congressional approval before Executive Branch execution. The Administration will interpret these provisions to require only notification of Congress, since any other interpretation would contradict the Supreme Court ruling in INS vs. Chadha.

We look forward to working with the conferees to address our mutual concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacob J. Lew". The signature is fluid and cursive, with a large initial "J" and "L".

Jacob J. Lew  
Director

Identical Letter Sent to The Honorable C. W. Bill Young,  
The Honorable David R. Obey, The Honorable Joseph Skeen,  
The Honorable Marcy Kaptur, The Honorable Ted Stevens,  
The Honorable Robert C. Byrd, The Honorable Thad Cochran,  
and The Honorable Herb Kohl

# United States Senate

WASHINGTON, DC 20510

September 21, 1999

Dear Chairman Gregg and Ranking Member Hollings:

We are writing to draw your attention to an important issue in the upcoming conference on the Commerce, Justice, State, and the Judiciary FY2000 Appropriations bill.

Both the House Foreign Operations and Commerce, Justice, State Appropriations bills contain a provision – known as the “Knollenberg rider” – which on its face would prohibit “implementation” of the Kyoto Protocol prior to the Senate’s advice and consent to ratification. However, due to the ambiguity of the rider language, we are concerned that the provision could prevent the U.S. from engaging in diplomatic efforts to ensure a cost-effective, international solution to the problem of global climate change.

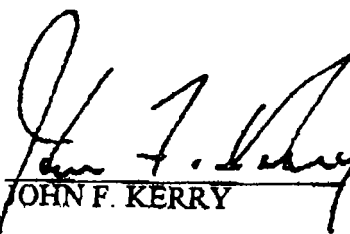
The Administration is currently engaged in vigorous international climate change negotiations pursuant to its obligations under the United Nations Framework Convention on Climate Change, which has been ratified by the Senate. These negotiations include sharing information with other countries on the United States’ successful experiences with market-based mechanisms as a tool for fighting pollution; working with other countries to find ways that these lessons could be applied to address greenhouse gas emissions; and providing technical assistance to developing countries so that they may build their capacity to more effectively limit greenhouse gas emissions.

In no way do these activities “implement” the Kyoto Protocol. Rather, through these negotiations the Administration is promoting U.S. national interests and the bipartisan objectives of the Byrd-Hagel Resolution – specifically, that international efforts on climate change protect U.S. economic interests and engage developing countries. Because the Knollenberg rider states that none of the funds shall be used “in preparation for implementation of the Kyoto Protocol,” we are concerned that it would thwart the common sense objectives of the Byrd-Hagel Resolution. Moreover, any restrictions on the Administration’s efforts to advance these objectives in international negotiations raises Constitutional concerns.

The Senate has recognized the importance of engaging developing countries in the effort to address global climate change. U.S. climate change diplomacy should not be constrained by ambiguous rider language that would be detrimental to our national interests. We believe that the Senate approach to this issue in the Commerce, Justice, State Appropriations bills is the prudent approach, and ask that you insist on the Senate position with respect to this rider in conference.

Sincerely,

  
JOSEPH I. LIEBERMAN

  
JOHN F. KERRY

*John H. Chafee*  
JOHN H. CHAFEE

*Jim Jeffords*  
JAMES M. JEFFORDS

*Barbara Boxer*  
BARBARA BOXER

*Tom Daschle*  
TOM DASCHLE

*Daniel Patrick Moynihan*  
DANIEL PATRICK MOYNIHAN

*Frank R. Lautenberg*  
FRANK R. LAUTENBERG

*Jeff Bingaman*  
JEFF BINGAMAN

*Robert Kerrey*  
ROBERT KERREY

*Patrick J. Leahy*  
PATRICK J. LEAHY

*Joseph R. Biden, Jr.*  
JOSEPH R. BIDEN, JR.

*Max Baucus*  
MAX BAUCUS

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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

August 4, 1999  
(House Floor)

## STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

### H.R. 2670 – DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2000

Sponsors: Young (R), Florida; Rogers (R), Kentucky

This Statement of Administration policy provides the Administration's views on the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 2000, as approved by the House Committee. Your consideration of the Administration's views would be appreciated.

The Administration appreciates the Committee's efforts to accommodate some of the Administration's priorities within its 302(b) allocation. However, the inadequacy of the 302(b) allocation has forced the Committee to make choices that are simply unacceptable.

The President's FY 2000 Budget proposes levels of discretionary spending that meet important national needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance vital spending needs. Congress has approved and the President has signed into law nearly \$29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider more of such proposals as the FY 2000 appropriations process moves forward.

In total, the Committee bill does not include the resources necessary to support high priority programs at an acceptable level. The bill would jeopardize critical activities and initiatives in a number of areas, including:

- 21st Century Policing Initiative/Community Oriented Policing Services (COPS). The Committee does not fund the President's 21st Century Policing Initiative, which would enable local police Departments to hire up to 50,000 additional community police officers, hire new community prosecutors, and expand community-based prevention efforts.
- Legal Services Corporation. The Committee funding level for the Legal Services Corporation is unacceptable and would severely cripple the program. Such a low funding level would call into question the Federal Government's commitment to ensuring that all Americans, regardless of income, have access to the judicial system.

- Civil Rights Enforcement. Inadequate funding by the Committee would: undermine the ability of the Equal Employment Opportunity Commission to reduce the backlog of employment discrimination complaints and not fund the new Equal Pay Initiative; reduce the ability of DOJ's Civil Rights Division to expand investigations and prosecutions of hate crimes, fair housing, Americans with Disabilities Act and other cases; and, reduce resources for the U.S. Commission on Civil Rights.
- International Affairs Programs. The Committee underfunds activities to support the ongoing conduct of effective diplomacy, and does not fully fund payments to international organizations necessary to ensure U.S. leadership in international affairs.
- Anti-Drug Programs. No funding is provided for the Drug Intervention Program, which would help States and localities implement tough new systems to drug test, treat, and punish drug offenders, and funding is reduced from the request for the highly successful Drug Courts program.
- Terrorism/Cybercrime. Inadequate resources are provided to protect against chemical and biological weapons and for other counterterrorism activities and for the National Infrastructure Protection and Computer Intrusion program.
- Brady Handgun National Instant Check System. The bill would prohibit the establishment of a fee to fund the Brady Handgun National Instant Check System (NICS).
- Tobacco Litigation. The Committee has not provided the direct appropriations requested for tobacco litigation, which the Department plans to bring to recover money on behalf of the American people.
- Environmental Initiatives. Inadequate funding is provided for the President's Lands Legacy Initiative, Pacific coastal salmon recovery efforts, the Pacific Salmon Treaty, and other programs.
- Advanced Technology and Small Business Programs. The Advanced Technology Program is terminated. The Small Business Administration's new markets initiative is not funded and deep cuts in other programs will undermine SBA's ability to serve small businesses across the Nation.

In addition, the Committee bill includes a number of objectionable language provisions. We urge the House to strike these provisions.

If the bill were presented to the President in its current form, the President's senior advisers would recommend that he veto the bill.

Detailed comments on the Committee bill are provided in the attachment. We look forward to working with the House to address our mutual concerns.

Attachment

Attachment  
(House Floor)

**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY,  
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2000**  
**(AS REPORTED BY THE HOUSE APPROPRIATIONS COMMITTEE)**

Legal Services Corporation

- The Committee bill funds the Legal Services Corporation (LSC) at \$141 million, \$159 million below the FY 1999 enacted level and \$199 million below the President's request of \$340 million. This funding level is unacceptable and would severely cripple the program. Such a low funding level would call into question the Federal Government's commitment to ensuring that all Americans, regardless of income, have access to the judicial system. The Administration urges the House to fully fund the President's request for the LSC.

Department of Justice

- 21st Century Policing Initiative/Community Oriented Policing Services (COPS). The Administration strongly opposes the Committee's decision not to fund the 21st Century Policing Initiative and to fund the COPS program at only \$268 million. We urge the House to fully fund the 21st Century Policing Initiative at the requested level of \$1,275 million. This initiative would enable local police Departments to hire up to 50,000 additional community police officers, hire new community prosecutors, and expand community-based prevention efforts.
- Law Enforcement Funding Level. The Administration appreciates the Committee's support for many of the Justice Department's law enforcement programs. The Committee's funding levels are substantially higher than the Senate's levels for these critical programs. We request that the House redirect funding for lower priority and unrequested programs to programs of higher priority, such as the 21st Century Policing Initiative, and are concerned about Committee's action in the areas discussed below.
- Civil Rights Enforcement. The Administration urges the House to fully fund the request for the Civil Rights Division. The President's requested level, \$82 million, would enable the Department to expand significantly its investigations and prosecutions of criminal civil rights cases (including hate crimes and police misconduct), fair housing and lending cases, and violations of the Americans with Disabilities Act.

- Anti-Drug Programs. The Administration opposes the Committee's decision not to provide \$100 million for the Drug Intervention Program, which would help States and localities implement tough new systems to drug test, treat, and punish drug offenders. In addition, the Administration objects to the Committee's proposed \$10 million reduction to the request for the highly successful Drug Courts program. Taken together, the Committee's actions would make it difficult to achieve the drug reduction targets in the annual drug strategy and in the Office of National Drug Control Policy Reauthorization Act of 1998.
- Protection Against Chemical and Biological Weapons. The Administration is disappointed with the Committee's decision to reduce funding for the \$174-million effort to provide equipment, training, and other assistance to State and local first responders by \$100 million. We believe the levels proposed in the President's budget reflect the appropriate balance among antiterrorism activities. In particular, we hope that the Committee will provide the Administration's request for first responder equipment, bomb squad equipment and for research and development. The Administration also urges the House to fund its request for the National Infrastructure Protection and Computer Intrusion Program.
- Brady Handgun National Instant Check System. The Administration is concerned that the Committee bill would prohibit the establishment of a fee to fund the Brady Handgun National Instant Check System (NICS). We urge the House to approve the requested fee.
- Border Technology. The Administration is disappointed with the Committee's decision not to fund \$50 million in force-multiplying Integrated Surveillance Intelligence System (ISIS) technology, which allows day and night real time monitoring of the border. The first phase of ISIS has been deployed in Arizona, New Mexico, and Texas and the impact on border control and officer safety is dramatic – agents now respond to actual incursions knowing in advance what awaits them at the border. Border Patrol agents and local ranchers have praised ISIS as an effective means of border management. We hope Congress will support the accelerated deployment of ISIS in FY 2000.
- Youth Prevention Block Grant. The Administration appreciates the Committee's support of juvenile prevention programs. However, in place of the block grant, which could support a wide range of unfocused activities, the Administration urges the House to appropriate the funding through the At-Risk Children's program. This will ensure that continued support is provided for the Safe Schools/Healthy Students initiative and for Indian Country.
- Counterterrorism Fund. The Administration urges the House to fully fund the Administration's \$27 million request, which is needed to ensure sufficient resources to cover unanticipated expenses in combating terrorism.

- Tobacco Litigation. The Administration is disappointed that the Committee has not provided the direct appropriations requested for tobacco litigation, which would force the Department to use base funds to develop claims to recover money on behalf of the American people. Given that the States settled their claims against the tobacco industry for more than \$200 billion and that Federal health care costs substantially exceed those of the States, the \$20 million requested by the Administration is small compared to the potential recoveries.
- Bureau of Prisons. The Administration urges the House to strike section 103 of the Committee bill, which would prohibit the Bureau of Prisons from funding abortions except in cases of rape or where the life of the mother is endangered. The Department of Justice believes that there is a great likelihood that this provision would be held unconstitutional.
- State Criminal Alien Assistance Program. The Administration appreciates the Committee's funding of the State Criminal Alien Assistance (SCAAP) program. However, as requested in a July 19, 1999, budget amendment, we urge the House to allocate \$19.4 million in SCAAP funding to reimburse Guam, the Commonwealth of the Northern Mariana Islands, and the Department of Justice for the costs of detaining and repatriating smuggled aliens. The funding will be used to reimburse these Governments and the Department of Justice for their FY 1999 and FY 2000 detention housing costs. It is estimated that the use of SCAAP funds for this purpose will reduce reimbursement by one cent for every dollar claimed.
- Indian Country Law Enforcement. The Administration is concerned that the Committee has not provided any funding for the Indian Country law enforcement initiative. We urge the House to fully fund the Administration's request of \$124 million.

#### Department of Commerce

- National Oceanic and Atmospheric Administration. The Administration is deeply concerned about the Committee's significant reductions to the request for the National Oceanic and Atmospheric Administration (NOAA), and urges that full funding be restored for the agency's critical initiatives. Specifically, the Administration urges the House to provide an additional \$105 million to fully fund the Lands Legacy Initiative, which is critical to help restore and protect our Nation's oceans and coastal resources; \$52 million for a new state-of-the-art research vessel to conduct fisheries stock assessments and meet the increasing demands of the Magnuson-Stevens Act; and, \$160 million to implement the Pacific Coastal Salmon Recovery program, to include Tribal funding, as requested by the Administration, and fulfill our commitments under the recently signed Pacific Salmon Agreement with Canada.

It is crucial that the Endangered Species Act program be funded at the requested level to support implementation and foster Federal partnership efforts with the States. The Administration also urges that funding be restored for the Global Learning and Observations to Benefit the Environment program and for NOAA's effort to build capacity at, and promote relationships with, Historically Black Colleges and Universities. In addition, the Administration strongly urges the House to restore funding for the President's Information Technology Initiatives and climate and global change research.

The Administration opposes the reduction to the National Polar-orbiting Operational Environmental Satellite System (NPOESS). This reduction, particularly if combined with a reduction in the Department of Defense appropriations bill, would likely significantly delay the program and could result in a gap in satellite coverage. It is also critical that the House provide full funding for the National Weather Service's (NWS's) base activities and radiosonde replacement program. Finally, the Administration requests that the House fully fund the Advanced Weather Interactive Processing System (AWIPS) to allow the NWS to provide AWIPS coverage at all Weather Forecast Offices. Full funding of the AWIPS will help to continue modernization efforts to improve support of severe weather warnings and general forecasts.

- Technology Administration Programs. The Administration strongly opposes the Committee's elimination of funding for the Advanced Technology Program (ATP). This program is producing significant economic benefits by promoting development of cutting-edge technologies. Independent economic studies forecast that benefits from just three early ATP projects could exceed the total program costs to date.

While the Administration is pleased to see that the Manufacturing Extension Program has been fully funded, we are concerned with the freeze at the FY 1999 enacted level for in-house research and construction accounts of the National Institute of Standards and Technology (NIST). These funding levels would impede NIST's standards leadership and delay construction of its Advanced Measurement Laboratory.

The Administration urges the House to provide the \$2 million requested for the National Technical Information Service (NTIS) to facilitate the long-term resolution of NTIS's financial problems in FY 2000. We anticipate working closely with the Congress in resolving these problems.

- Patent and Trademark Office. The House has reduced the Patent and Trademark Office's (PTO's) new spending authority by \$51 million from the request and by \$10 million from current levels. We urge the House to enable PTO to spend the requested amount from its earned fees. Excessive constraints on fee-funded staffing and technology investments when patent and trademark applications are at record levels would make it difficult for PTO to process applications in a timely manner. In addition, the Administration opposes amendments that would delay or terminate the ongoing procurement of a long-term lease for PTO.
- Critical Infrastructure and other Associated Programs. The Administration is disappointed that funding for the Critical Infrastructure Assurance Office (CIAO) has been eliminated and urges the Committee to restore funding for this essential activity. The CIAO is crucial to implementing Presidential Decision Directive 63 and coordinating the Nation's critical infrastructure program. Likewise, we urge full funding for critical infrastructure activities in the National Telecommunications and Information Administration, including lead agency, Information Sharing and Assessment Center, and research activities for the telecommunications sector. In addition, the Administration urges that full funding be provided for Chemical Weapons Convention, National Defense Authorization Act, and Export Control Automated Support System redesign activities.
- Decennial Census. The Administration has proposed to fully fund the Decennial Census within the limitations of the budget caps and we urge the Committee to work on a funding approach that is consistent with our proposal. The Administration appreciates that the Committee has recommended funding all but \$15 million of the request for the decennial census. We are concerned that funding for decennial census activities is appropriated by "framework." This would impose unnecessary restrictions on the Census Bureau's ability to manage the program and respond to a changing environment.
- Non-decennial Economic and Statistical Analysis. In addition to concerns about the decennial census, the Administration urges that full funding be provided for high-priority initiatives such as the continuous measurement program. Continuous measurement will provide valuable annual demographic information and eliminate the need for the "long form" in the 2010 census. The Administration urges the Committee to increase Census Bureau and Economics and Statistics Administration's (ESA's) Salaries and Expenses accounts from a freeze at the FY 1999 level to the requested level. Funding the Census Bureau at the FY 1999 level could lead to a reduction-in-force, thereby impairing the Bureau's ability to carry out its economic and demographic survey work. The freeze for ESA combined with funding already enacted pay increases could lead to a six-percent reduction of its workforce, impairing the ability of the Bureau of Economic Analysis (BEA) to account properly for GDP and electronic commerce.

The Administration urges the House to strike language that would prohibit base funds from being used on Integrated Economic and Environmental satellite accounts. The National Research Council's recent analysis of this issue, which was requested by the Congress, reported favorably on BEA's initial work in this area.

- National Telecommunications and Information Administration. The Administration urges the House to provide full funding for the Public Telecommunications Facilities, Planning and Construction Program, which would ensure that public broadcasters are able to meet the Federally-mandated May 2003 deadline for the transition to digital broadcasting. We also recommend full funding for Information Infrastructure Grants, a program with a proven track record of extending the reach of innovative technology to underserved communities.
- Economic Development Administration. The Administration recommends that the House restore the President's requested funding level for the Economic Development Administration's (EDA's) Salaries and Expenses account in order to maintain appropriate administrative oversight of EDA grant programs.

#### Small Business Administration

- New Markets. The Administration is very concerned that the Committee does not included the requested \$85 million in funding for the Small Business Administration's (SBA's) new markets initiatives to invest in targeted rural and urban areas. This funding will allow SBA to expand the availability of equity and credit in these underserved areas by providing loan subsidies and technical assistance to New Market Venture Capital companies which will invest \$200 million in new businesses; by creating New Market Lending Companies, which will provide 7(a) business loans guarantees to small businesses in these underserved areas; by providing incentives for existing Small Business Investment Companies to invest in these targeted areas; and by creating BusinessLINC, which will link large corporations in mentor/protege relationships with small businesses in the new market areas.
- Administrative Expenses. In addition, we strongly oppose the reductions in funding for SBA operations, including the \$37 million reduction to the request for the Business Loan Program's administrative expenses and the elimination of the \$45 million requested for indirect Disaster Loan Program administrative expenses. These funding levels could require SBA to eliminate up to 2,400 staff positions, or 75 percent of the agency's current staff level, undermining SBA's ability to serve small businesses across the Nation. Finally, the Administration urges the House to provide funds to support the full \$10.5 billion requested for 7(a) business loan volume.

### International Affairs Programs

- Embassy Security. The Administration appreciates the Committee's strong support for improved embassy security, including the funds provided for the ongoing costs of immediate improvements in the aftermath of the bombings in Nairobi and Dar es Salaam, as well full funding of the FY 2000 request for an accelerated construction program of new, secure facilities. However, the Committee bill does not address the President's request for advance appropriations necessary to support a multi-year capital improvement program. This multi-year construction program to protect all Americans serving abroad is a top priority of the President and his senior advisers. There is unanimity among security experts that a robust, multi-year program is a necessary component of a long-term solution to security threats.
- Department of State Operating Expenses. The Administration is very concerned about the Committee's reduction of \$101 million for the Department of State's operating requirements. While recognizing the Committee's legitimate concerns that streamlining of ongoing State activities must continue, the reductions proposed would make it difficult for the Department to maintain operations needed to advance the Nation's foreign policy agenda, integrate the U.S. Information Agency and Arms Control and Disarmament Agency into a reorganized Department of State, and carry out basic mission activities such as passport and visa services. The funding level in the Committee bill could require a hiring freeze, furlough of employees, and potential closure of overseas posts. In addition, the Administration is concerned about reductions to the request for operation and maintenance of foreign buildings.
- International Organizations. The Administration appreciates the steps that the Committee has taken to fund the request for arrearage payments this year. We want to work with the Congress to ensure that these funds are available in a timely fashion to retain our influence in these organizations. We continue to seek full funding at the request level of \$446 million for UN arrears. In addition, we ask that the \$107 million UN credit be available under the same terms and conditions as the Senate-passed authorization bill.

The Committee significantly underfunds the annual assessed contributions funded through the Contributions to International Organizations and Contributions for International Peacekeeping Activities accounts. The proposed funding levels would increase arrears and further inhibit chances for the reforms we all are seeking. The Administration is concerned that such funding levels would seriously impair the ability of the United States to address foreign policy interests through the mechanism of U.N. peacekeeping, especially in light of increasing requirements. The Committee continues a \$100 million withholding for a UN budget cap certification, which would contribute to the possibility of the U.S. losing its vote in the UN as of January 1, 2000. We urge that this withholding be eliminated.

- Earmarking. The Administration is concerned about the earmarking of funds for public diplomacy and international information programs. Mandating separate accounting within the Diplomatic and Consular Programs account for public diplomacy would be counter-productive to the Department's streamlining efforts and would impede efforts to integrate this function effectively. The Administration's plan would fully integrate public diplomacy across several different bureaus, making such accounting burdensome. The proposed integration would provide a better mechanism to identify and act on priority public diplomacy issues and coordinate Washington resources with the needs of the field.
- Border Security Program. The Administration is pleased with the Committee's continued support of fee collections necessary to execute the President's Border Security Program. However, limits placed on the amount of fees that can be used in FY 2000 could slow critically needed border security improvements. We urge the House to provide this fee authority without an artificial cap that would restrict FY 2000 resources available for this important program.
- Educational and Cultural Exchange Programs. The Administration strongly opposes the Committee's severe reductions to educational and cultural exchange programs. These reductions would reverse the Administration and Congress' joint efforts over the past few years to build the capacity of the Fulbright academic exchange program, cut the number of future leaders who participate in the International Visitors Program, and hurt our ability to engage Americans directly in substantive international activities with their counterparts abroad.
- International Broadcasting. The Administration is concerned that the Committee's levels for international broadcasting operations and capital improvements would make it difficult to maintain the current levels of non-military international broadcasting. In addition, we urge the House not to rescind \$14 million for broadcasting operations. The Administration has submitted a request to reprogram a portion of these funds to defray the cost of broadcasting to the Kosovo region and for other high priority needs.
- Other International Accounts. The Administration requests restoration of the Committee's \$7 million reduction to the grant to the Asia Foundation. In addition, we are concerned about the reductions below the FY 2000 request for the American Institute in Taiwan and the International Commissions. Such reductions would place a disproportionate burden on the operating budgets of these small agencies. Finally, the Administration opposes the Committee's decision to eliminate funding for the East-West Center and North-South Center.

- Presidential Advisory Commission on Holocaust Assets. The Administration appreciates the inclusion of the \$1.162 million transfer from the Department of State for the Presidential Advisory Commission on Holocaust Assets in the United States. However, we are concerned that without adequate funding from the Department of Justice, the Commission will be unable to fulfill its important mandate to research and report on the collection and disposition of Holocaust-era assets in the United States.
- Foreign Policy Issues. A number of provisions regarding the conduct of foreign affairs raise constitutional concerns. Section 609 regarding Vietnam would unconstitutionally constrain the President's authority with respect to the conduct of diplomacy. In addition, two provisions would unconstitutionally constrain the President's authority as Commander-in-Chief and authority with respect to the conduct of diplomacy: section 610, which relates to command and control of United Nations peacekeeping efforts; and, language in the Contributions for International Peacekeeping Activities that would require a report to Congress prior to voting for a UN Peacekeeping mission.

#### Kyoto Protocol

- The Committee bill includes a rider prohibiting implementation of the Kyoto Protocol. The Administration opposes the inclusion of this unnecessary provision because we do not intend to implement the Protocol before Senate ratification. Further, applying these restrictions to international negotiations and activities raises serious Constitutional concerns.

#### Securities and Exchange Commission

- The Administration is concerned about the \$37 million reduction from the requested program level for the Securities and Exchange Commission (SEC). The Committee level would make it difficult for the agency to fulfill its core mission of protecting investors and providing oversight of securities markets. Such a reduction could require the SEC to cut staffing by 300 work-years, curtail expenditures for technology to fight internet fraud, and cut back support for litigation efforts. We urge the House to fully fund the request of \$361 million.

#### Equal Employment Opportunity Commission

- The Administration urges the House to fully fund the request of \$312 million for the Equal Employment Opportunity Commission (EEOC). The Committee bill would freeze funding for the Commission at the FY 1999 enacted level of \$279 million. Funding EEOC at the requested level would allow the Commission to significantly reduce the backlog of employment discrimination complaints and strengthen the effective use of alternative dispute resolution techniques and fund the new Equal Pay Initiative to increase compliance with equal pay laws.

### U.S. Commission on Civil Rights

- The Administration urges the House to increase the funding level for the U.S. Commission on Civil Rights (the Commission) from the FY 1999 level of \$8.9 million. Funding the Commission at the requested level of \$11 million would help ensure an informed public debate about critical civil rights issues that deserve national attention.

### Federal Communications Commission

- The Administration urges full funding of the requested increases for the Federal Communications Commission (FCC). The Committee's funding level could require an agency-wide furlough or reduction-in-force, impairing the FCC's ability to carry out its mission. The Administration also strongly urges the House to adopt the proposal to clarify the relationship of bankruptcy law with regard to spectrum licenses, which will provide savings and help ensure the integrity of the spectrum auction process.

### Office of the United States Trade Representative

- The Administration urges the House to fully fund the Office of the United States Trade Representative (USTR). The requested level will allow USTR to carry out its extensive and expanding negotiating mandate and will support an expansion of efforts in key and emerging regional areas, including Japan, China, and Africa, as well as on agricultural trade.

### Deal Amendment

- The Administration strongly opposes this proposed amendment, which is duplicative of, and less flexible than, existing authority in section 243(d) of the Immigration and Nationality Act. Further, the scope of the amendment is too broad and could result in the denial of visas to persons who should reasonably be granted the right to enter the United States, such as the immediate family of U.S. citizens. The Administration is currently working to resolve this complicated issue.

\* \* \* \* \*

## FY2000 CLIMATE CHANGE KNOLLENBERG RIDER

### ■ Last Year

In FY99<sup>5</sup>, the "Knollenberg" rider was contained only in VA-HUD and Independent Agencies Appropriations Act. The provision bars EPA from using funds "to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol" prior to the Senate's giving advice and consent to its ratification. The appropriations conference report – the result of a bipartisan agreement spearheaded by Senator Byrd (D-WV) - explains that the intent of this language is to prevent funds from being used "to implement actions called for solely under the Kyoto Protocol." Last year's agreement was intended to ensure that the restriction does not cover EPA's voluntary partnership programs to cut energy costs and prevent pollution.

### ■ FY2000

This year Representative Knollenberg has added this provision to 6 bills: VA-HUD, Foreign Operations; Commerce, Justice, State; Interior; Energy and Water; and Agriculture. Except for VA-HUD, there is no report language accompanying the bill language. Below is a description of the arguments specific to each bill. The bills are listed in order of concern.

#### 1. VA-HUD

The House bill language is the same as last year. However, the report language breaches last year's agreement by dramatically expanding the coverage of the prohibition. Specifically, the new report language expands the bill language to cover not only "rules, regulations, decrees, and orders" but also "non-regulatory actions, such as programs or initiatives". It also deletes word "solely" from the sentence clarifying that the intent of the provision is prohibit action called for solely under the Protocol. These changes attempt to prevent activities that limit greenhouse gas emissions even if such activities are part of a voluntary program – such as Greenlights – or are fully authorized under existing law. Not only do these activities not implement the Kyoto Protocol, they have many benefits, including reducing energy costs and helping fulfill the United States' obligations under the UN Framework Convention on Climate Change.

The Senate bill maintains the agreement from last year. Although the provision is unnecessary because the Administration is not implementing the Kyoto Protocol prior to Senate ratification, the conferees should maintain the agreement from last year. Specifically, the conferees must adopt the Senate report language and explicitly override the House report language.

#### 2. Foreign Operations and Commerce, Justice, State Department

*the bill language  
except for VA-HUD  
each bill.*

*provision*

*on Energy Star*

Both the House Foreign Operations and Commerce, Justice, State bills contain the Knollenberg bill language. Applying this prohibition to AID and the State Department has the potential to impact the Administration's ability to conduct international climate change negotiations.

The Administration is currently engaged in vigorous climate change international negotiations. These negotiations include sharing information with other countries on the United States' successful experiences with market-based mechanisms as a tool for fighting pollution; working with other countries to find ways that these lessons could be applied to address greenhouse gas emissions; and providing technical assistance to developing countries so that they may build the capacity to more effectively limit greenhouse gas emissions.

Representative Knollenberg has specifically stated that the intent of this provision on these bills is to prohibit the expenditure of taxpayers money to engage developing countries on anything related to the Kyoto Protocol. Furthermore, legal counsel at both the State Department and AID are concerned that this provision could be interpreted to cover the negotiation of international rules and regulations under the Protocol.

In no way, do these activities "implement" the Kyoto Protocol. Rather, through these negotiations the Administration is promoting U.S. national interests and the bipartisan objectives of the Byrd-Hagel resolution – specifically, that international efforts on climate change protect U.S. economic interests and engage developing countries.

Moreover, any restrictions on the Administration's efforts to advance these objectives in international negotiations raises Constitutional concerns.

### 3. Interior, Energy and Water and Agriculture

All three of these bills contain the Knollenberg bill language with no accompanying report language. There has been no new legislative history developed with respect to the application of this provision to domestic regulatory programs. Therefore, under the current Administration interpretation applying this provision to these agencies should not have a significant impact because they do not propose or issue rules or regulations solely to implement or in preparation for implementing the Kyoto Protocol.

With respect to these three bills, the Administration has stated that the provision is unnecessary because we do not plan to implement the Protocol prior to Senate ratification but we have not strongly opposed.

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**AMENDMENT OFFERED BY MR. INSLEE**

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. **Inslee**:

Page 106, strike line 22 and all that follows through page 109, line 8 (section 620).

Mr. INSLEE. Mr. Chairman, we are proposing an amendment which many of us believe will address an issue which we have too long ignored, and that is the issue of global climate change. Unfortunately, the language of the bill at this moment contains language which would prevent us from addressing this important issue on an international basis.

The language specifically we are addressing is in section 620 of the bill, and, unfortunately, the existing language of the bill would prevent any expenditure of funds in preparation for implementation of the Kyoto Protocol regarding global climate change. The problem with this language is that it would prevent our diplomatic efforts to bring forth the developing world into our efforts to get a handle on global climate change.

Many of us know that in the Kyoto Protocol, despite its adoption, we have a desire, and the administration has expressed a desire, to work with developing nations to get the developing nations to agree to limitations, to agree to research in new technology, to try to reduce our emissions globally, the developed world and the developing world, to reduce CO2 emissions and prevent the kind of summers we have had recently.

We need to remove this language, because, unfortunately, the Nation is coming to feel like Time Magazine. If you see this week's Time magazine, there is an article that is entitled 'Capitol Hill Meltdown.' The subtitle is, 'While the Nation sizzles, Congress fiddles over measures to slow down future climate change.'

Now, there is lots of work to be done between here and now on the solution to this problem, but the one thing we should not do, the one thing we cannot do, is shoot ourselves in the foot in an effort to go forth and try to bring the developing nations into this international agreement, to try to get them to join us in the efforts to reduce climate change emissions.

Many of us believe and all of us should believe that there should be no cardinal sin in going forth and trying to get others to talk with you internationally on how to deal with this problem. I would encourage any Member

who has questions about this issue when we finish our mysteries at the beach this August to take a look at the literature on this issue because there is an overwhelming scientific consensus that this phenomena is occurring, number one, and, number two, it is going to continue to occur unless we, on an international basis, do something about it.

So we are offering this amendment, which would allow us, internationally, to go to the developed nations and urge them to join us in efforts to reduce these emissions and to enter into international agreements.

I want to make clear, this amendment does not, repeat, does not attempt to implement the Kyoto Protocol. The Senate has not ratified that, obviously. But it will allow us to continue diplomatic efforts to get the developed nations to help us and join us in this international effort to prevent the kind of summers we have had in the past year, in the past month, becoming unfortunately our predestined future.

[Page: H7341] [Link to GPO's PDF version for this page.](#) ~~NEW~~

Mr. KNOLLENBERG. Mr. Chairman, I rise in very strong objection to the gentleman's amendment.

Mr. Chairman, we have been down this road many, many times, but I would just like to assert a little bit of the history behind why this language is in the bill. Incidentally, it is in a number of bills, and it was signed into law, I would point out, last year by the President.

There is strong bipartisan support in this body and the other body for this language, and all it is designed to do and destined to do is to prevent implementation of the Kyoto treaty before it is ratified by the Senate. As the gentleman well knows, the Senate does have something to say about this.

I could say to you that nowhere in our wording does it say that ~~we are stopping voluntarily any efforts that are being made in the direction of improving conditions, as you seek.~~ But the developing nations of this world, as has been determined by that Senate vote of 95 to 0, must be participants. That does not mean that we have to pay with taxpayer dollars for implementation of the treaty until there is ratification.

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Now, I can say further, education and research is something that is very clear. That can be done. But I think the gentleman errs when he says that this language prevents any kind of voluntary effort. What it is designed to do, and it says very clearly, and I can read it, if you would like, 'none of the funds appropriated by this act shall be used to propose, issue rules or regulations or decrees or orders for the purpose of implementation.'

That is the story, plain and simple.

I would tell the gentleman that it was not just a bipartisan effort, because if you look at the vote through the various subcommittees, committees, on the floor, et cetera, in the Senate, I think there is overwhelming respect for the idea that we should not bypass the Constitution, we should not implement before we ratify.

I would just say to the gentleman from Washington (Mr. **Inslee**), that is what this language is for. If you strike this language, you have opened up enough room for a truck to drive through to actually implement the treaty. That is what we do not want to do.

I want to get to a point where we have made this world a cleaner place in terms of the air we breathe I think as much as anybody, but we are not going to do it in a constitutional bypass, and that is, frankly, what you do when you strike this language, you leave it open to that.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman for being the author of this language that was inserted into this bill.

Mr. Chairman, this is I think the sixth of these appropriations bills that this exact same language has been included in. The House has passed five previous bills this year, appropriations bills, with this same language, and it is in this bill, and I commend the gentleman for his efforts, because he has been the driving force behind our efforts.

This language was accepted I think unanimously in the full committee. I do not think anyone objected to it. I would certainly oppose the amendment to strike it out, and commend the gentleman for putting the language in. I urge a 'no' vote on the amendment.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, it is a question as much as a statement. What many of us are concerned about is the language that says none of the funds can be used in preparation for implementation.

Let me tell you what the concern is, and perhaps we can work together in conference to resolve this. The concern is that that language would prevent the State Department from going to developed nations and trying to get them to prepare for the Kyoto Protocol, to try to get them to agree to improve their participation in this protocol, to try to get them to agree to some of the measures.

We are very concerned this language will prevent us from moving ahead at all on international consideration. I guess I would ask the Chair if you would consider in conference looking at this language.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, let me assure the gentleman that there is nothing in this wording, which was worked out, by the way, in conference last year with the Senate and the House, with Senator **Byrd**. This language, by the way, was further, I would say, changed from what we had passed on the House floor last year. So this has the approval and the backing of Senator **Byrd** and the Senate, and it was passed without any kind of interruption in the conference last year.

[TIME: 1645]

So the gentleman is suggesting I reopen that. What I would tell the gentleman is that we would continue to say that this language only is intended not to challenge or to stop any kind of research or education, but when ~~we cross the line to advocacy, we have gone too far. When we spend money in the hopes of the developing nations of the world coming on board, we are crossing that line.~~

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Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I appreciate this discussion.

Let me just ask the chairman, does he believe it would be appropriate in this language for our State Department or other agencies of the government to continue a dialogue with the developing nations to try to get them to come into the umbrella of the Kyoto Protocol, to try to get them to agree to join us in some of the standards which many of us want to be implemented; what the gentleman believes is an appropriate expenditure under this language? Because that is our concern.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, let me just say that I went to both Kyoto and Buenos Aires, and we tried in the hardest way we could to get the developing nations on board in a voluntary fashion. I say again, if we were to expend monies to help the developing nations come into the picture, and I think that may be what they want, we are in violation of the very wording, the very language we have here. We would be in violation, in fact, of the Senate, which voted 95 to zero to say simply, bring the developing nations into the picture, bring them on board. They must be participants. It does not mean we do it for them, they have to be participants.

That is what this language simply says, is do not do anything until they become, on their own, participants in this process. Along the way we do not stop any, any voluntary action on the part of anybody. It is taxpayer dollars that we are talking about here.

Mr. INSLEE. If the gentleman from Massachusetts will continue to yield, Mr. Chairman, let me take one more shot at this to see if we could reach some meeting of the minds in some regard.

What I am searching for is some way for the gentleman to express or this Congress to express the belief that it is appropriate for us to be able to negotiate with some of these developing nations to urge them to agree to some of the limitations we need them to agree to so we can get to a global treaty in this regard.

I am searching for some indication from the Chair that he believes that is appropriate, and if so, some manifestation of that.

[Page: H7342] [Link to GPO's PDF version for this page.](#) ~~NEW~~

Mr. KNOLLENBERG. If the gentleman from Massachusetts will yield further, let me respond by saying that this language has been very, very carefully crafted. It is not to say that I would be a cement wall in terms of resisting conversation. I never have been. I have continued to be open, and on three different occasions last year we changed this language. It has been in a state of evolution.

I think it is at a point where very honestly, even though we would entertain conversations or suggestions from anybody, it would only be to the extent of not spending dollars for implementation.

If we cross that line, and the gentleman from Wisconsin (Mr.Obey) to his credit, and I respect him and thank him for it, shares that whole position. If Members read the amendment that was passed last year on the House floor, it was his amendment. It clarified where we are on this business of implementation. I think it would be worthwhile rereading that.

Obviously I would be happy to talk to the gentleman in the future. But I would say, do a re-read of that amendment. It is pretty specific about what we can or cannot do. We are not stopping research, we are not stopping development, we are not stopping voluntary movement. What we are saying, however, is do not spend any taxpayer dollars until the Senate ratifies the treaty.

So to that end, I am always willing to talk to anybody about this subject, and I am not stifling debate, but I think for purposes of this bill and at this moment, that I can just say to the gentleman, yes, we will have that conversation in the future. But I think this language should stand, because it is the will of this body. It is a bipartisan will, too. It is both bodies.

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Mr. FRANK of Massachusetts. If hope still springs eternal, I yield again to the gentleman from Washington.

Mr. INSLEE. As a new Member, hope still springs eternal. We will consider that a crack in the door, to some degree.

Mr. KNOLLENBERG. If the gentleman will continue to yield, Mr. Chairman, the doors are not necessarily cracked, but we can talk out in front of those doors, if you will.

I do not mean to suggest this language is going down. I am just saying, I would be happy to talk to the gentleman about it.

Mr. INSLEE. Mr. Chairman, if the gentleman will continue to yield, I will say two things. We will withdraw the amendment at this time, but I do think it very important for us in this Chamber to find out how we can get the developing nations to join us to go forward on solving this problem so that our institution is not seen as the institution that puts our head in the sand on this issue.

I will have a dialogue with the Chair and other Members.

- 
- Mr. UDALL of Colorado. Mr. Chairman, climate change is a global problem that requires a global solution. The Administration's is engaged in a full court press to ensure that developing countries are part of this global solution and to ensure that international efforts to address climate change are cost effective. The Congress has called on the President to engage developing countries and to protect the economic interests of the United States.
- Section 620 of the bill apparently would make it difficult--maybe impossible--for our government to advance these foreign policy objectives and interests of the United States.
- Providing technical assistance to developing countries, sharing the U.S.'s successful experiences with market-based mechanisms and vigorously advancing U.S. business interests does NOT constitute a backdoor implementation of the Kyoto Protocol.
- We should be encouraging the Administration to continue to advance the interests of the U.S. in the ongoing international climate change negotiations. But instead, the language now in the bill directs us to put our heads in the sand. That's the wrong message to send, and we should delete it from the bill.

Mr. INSLEE. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

### **AMENDMENT OFFERED BY MR. TIAHRT**

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 106-284 offered by Mr. Tiahart:

At the end of title VI, insert the following:

#### **SEC. . NONDISCRIMINATION BASED ON RELIGIOUS OR MORAL BELIEFS.**

No part of any appropriation contained in this Act may be used, directly or indirectly, to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of students who participate in programs for which financial assistance is provided from that appropriation or of the parents or legal guardians of such students.

The CHAIRMAN. Pursuant to House Resolution 273, the gentleman from Kansas (Mr. **Tiahart**) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. **Tiahart**).

### **AMENDMENT, AS MODIFIED, OFFERED BY MR. TIAHRT**

Mr. TIAHRT. Mr. Chairman, I ask unanimous consent to modify the language in my amendment, and to proceed with the modified amendment.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment printed in House Report 106-284, as modified, offered by Mr. **Tiahart**:

At the end of the bill, insert after the last section (preceding the short title) the following:

## **TITLE VIII--ADDITIONAL GENERAL PROVISIONS**

**Sec. 801.** None of the funds made available to the Department of Justice in this Act may be used to discriminate against, denigrate, or otherwise undermine the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal

guardians of such students.

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