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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 1, 1999.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2303. An act to direct the Librarian of Congress to prepare the history of the House of Representatives, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1791. An act to authorize the Librarian of Congress to purchase papers of Dr. Martin Luther King, Junior, from Dr. King's estate.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

ACCOMPLISHMENTS OF THE REPUBLICAN MAJORITY

Mr. WELLER. Mr. Speaker, it is my privilege to represent one of our Nation's most diverse congressional districts. I represent the South Side of Chicago, the south suburbs in Cook and Will Counties, a lot of bedroom communities and a lot of cornfields and farm towns, too. When you represent such a diverse district, city, suburbs, and country, you have to learn to listen.

I find there is one very common message that I hear back home. I heard it back in 1994 when I was elected and they sent me here to change how Washington works. I continue to hear it. They want us to work together to meet the challenges that we face here in Washington, as well as at home.

I am pretty proud that over the last 4½ years this Republican majority has worked to keep our commitments to change how Washington works. When we think about it, when we came to Washington the Congress, which was controlled by the Democrats at that time, passed the biggest tax increase in the history of our country. It was considering having a government takeover of our health care system. We had massive deficits of \$200 to \$300 billion a year.

When we think about it, there have been fundamental changes that have occurred since then. In fact, in the last 4½ years, this Republican Congress has done some things we were told we could not do.

We have balanced the budget for the first time in 28 years. That is now producing an estimated \$3 trillion surplus of estimated money.

We cut taxes for the middle class for the first time in 16 years. Now 3 million children in my State of Illinois now qualify for that \$500 per child tax credit.

We have reformed welfare for the first time in a generation. The welfare

rolls in Illinois have dropped by one-half.

We tamed the tax collector, reforming the IRS, shifting the burden of proof off the backs of the taxpayer and onto the IRS. That is pretty good.

Of course, in this Republican majority we are now committed to moving forward with a better agenda, an agenda to help our local schools, keep the budget balanced, pay down our national debt, strengthen social security and Medicare, and of course, lower the tax burden for working families.

That is our commitment, because we are responding to questions that I hear back at home at the union hall and the VFW, the local Chamber of Commerce. People often ask me, when are you folks going to make another change in Washington? Now that you have balanced the budget, when are you going to stop the raid on social security?

Ever since LBJ needed to finance the Vietnam War effort and grow government with the Great Society, Washington has dipped into the social security trust fund to spend on other things. In our Republican balanced budget, we want to set aside 100 percent of social security for social security.

I am disappointed to note that in the President's budget, he only wants to set aside 62 percent, meaning that he wants to spend 38 percent of social security on other things. If we add that all up, over 10 years, that raid on social security totals \$340 billion.

I am also asked back home, when are folks going to start talking about paying down the national debt? I am pretty proud that last year we paid down \$50 billion of the national debt, above and beyond what was expected. This year we are going to pay down \$100 billion of the national debt, above and beyond what is expected.

Under the Republican balanced budget, we pay down over \$2.2 trillion of the national debt, over two-thirds of the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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national debt, over the next 10 years. That is progress, paying down the national debt.

I am also often asked, what about taxes? Taxes are too high. Forty percent of the average family's income goes to government today. Twenty-one percent of our economy is consumed by the Federal Government. That tax burden is too high, too unfair, too complicated.

Unfortunately, the President vetoed our effort to eliminate the marriage tax penalty on married working couples, to eliminate the death tax on family farmers, family businesses, because he wanted to spend the money. Now he says he wants to raise taxes by \$238 billion so he can spend more. That is really what we are getting down to in the last few days of this session of Congress. We are getting down to some real fundamental issues.

If we look at the President's budget and the Democratic budget, as well as the Republican budget, there is a big difference. We had a key vote last week. We chose between government waste and social security. We made a commitment that we are willing to cut waste, fraud, and abuse in government by 1 percent, reducing the Federal budget 1 cent on the dollar in order to stop the raid on social security.

That is a fundamental, key vote, because when we think about it, do we want to waste our dollars, or protect social security? We voted in the Republican majority to save social security.

What I was very concerned about is recently the leader of the Democrats, the gentleman from Missouri (Mr. GEPHARDT) said, and I will quote, "I understand that there is a feeling now that since we have a surplus and since we have to get ready for the baby boomers, that we really ought to try to spend as little bit as possible." What is interesting is he is saying he is willing to spend social security on other things.

Our commitment is to stop the raid on social security. That is an important commitment, because when folks pay into their retirement security plan, called social security, they expect when it is their turn it is going to be there. Washington has been raiding the social security trust fund for far too long.

I was very pleased to note that the Chief of Staff to the President understands what we want to do. The Republicans' key goal is not spend the social security surplus.

Let us work together. We can work in a bipartisan way. Let us stop the raid on social security, let us balance the budget and stop the raid on social security.

THE AFFORDABLE PRESCRIPTION DRUGS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, many of us have come to the House floor one after another talking about lowering the high cost of prescription drugs, especially for the elderly and underinsured. Unfortunately, Republicans have simply refused to join Democrats to fight the drug companies and reduce these high prices and help protect public health.

Let us look at the numbers. More than 75 percent of Medicare beneficiaries have no coverage or inadequate MediGap coverage for prescription drugs. At least one-third of Medicare beneficiaries have no drug coverage at all. Forty-four million Americans do not have health insurance. That means they also, obviously, do not have coverage to help pay the high cost of prescription drugs.

Meanwhile, drug companies charge Americans higher prices, in many cases twice as high, sometimes three times, four times, five times as high, compared to prices paid by the citizens of any other industrialized Nation.

An average dosage, 60 tablets of Zocor for high cholesterol, costs \$44 in Canada and \$102 in the United States. One month's supply of Tamoxifen for breast cancer sells for \$156 in the United States and only \$12 in Canada.

The drug industry repeatedly tells the American people that any reduction in prices will cause them to dramatically curtail and cut back their research and development efforts. It is difficult for some of us to take these threats seriously. Who pays for a majority of research and development costs for new drugs in the United States, anyway? The answer is American taxpayers.

The fact is Congress, where the drug industry's multi-million dollar lobbying campaign and operation has such great influence, has granted this industry enormous tax breaks for research and development.

At the same time, the National Institutes of Health and non-governmental research organizations fund more than half of all research and development for drug companies without charge. Then drug companies take the information they patented and they market another new and very lucrative miracle drug to Americans, and charge them the highest prices in the world.

It is no secret what is going on here. Drug companies simply are doing what they need to do to maximize profits. Unlike every other industrialized nation in the world, the U.S. does not in any way tamper with or regulate drug prices. What is the effect? Drug companies charge us the highest prices of any country in the world by multiples of two, three, and even four times what other countries pay.

Who are the victims? The victims are always those with the least bargaining power: those without insurance, those who are elderly, those who are poorest. From a market perspective, what the drug companies are doing is appropriate. They are maximizing their profits. That is their job.

It is equally appropriate that Democrats in Congress are taking the lead in protecting seniors and the uninsured, and to address the ramifications of what drug companies are doing to the disadvantaged. That is our job.

Understand, again, 50 percent of all research and development costs for the research and development of new drugs in this country are paid for by taxpayers. Understand also that Congress has bestowed on those drug companies generous tax breaks on the money they do spend on research and development. Then understand that drug companies show their appreciation to American taxpayers by charging us two and three and four times what citizens of every other country in the world pay.

How can we lower prescription drug costs? We can lower prices through competition. I have introduced a bill that would permit competitors, that would permit generic companies to enter the market for drugs when they are unreasonably priced, whether the drug's patent has expired or not. The patent-holder would receive royalties for being the first on the market. Generic companies would compete with them, and Americans would receive a price break fueled by competition.

The bill would require drug companies to publicly disclose audited information justifying the prices that they do charge.

I urge my Republican colleagues to stop stonewalling. I urge them to join Democrats in lowering the cost of prescription drugs. Let us act before it is too late.

A SALUTE TO THE WORLD WAR II GENERATION AND ITS CONTRIBUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. ROHRABACHER) is recognized during morning hour debates for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, every day America is losing one of our most precious resources. This resource provided our country what it needed to overcome the economic calamity of the Great Depression. It was a resource that saved the world from the twin threats of Nazism and Japanese militarism, and then, when that job was done, turn to rebuilding a shattered planet and, when they deserved to let others pick up the load, they then went and took on communism, which for decades loomed as a threat to democratic government and individual rights everywhere.

I am, of course, talking about a generation, perhaps the greatest generation, of Americans, which is now passing from the scene. One year ago my father, Donald Rohrabacher, or Lieutenant Colonel USMC retired Don Rohrabacher died. Just a short-term ago, a friend of mine, Bob Smiley, Robert Smiley, Junior, lost his dad.

My dad joined the Marines in the Second World War. Robert Smiley,

Senior, volunteered for the Navy. Later, my father helped develop the method of dropping the atomic bomb from a fighter bomber that helped change the formula during the Cold War, and helped preserve the peace and preserved America's deterrence. Bob Smiley was instrumental in the Polaris Submarine program, which also deterred war with the Soviet Union. Their technological know-how helped deter war with the Soviet Union until communism collapsed under its own weight, under the weight of its own contradictions and evil.

America is losing one thousand of these veterans from World War II from the Saving Private Ryan generation every day. They escorted us to the doorway of a new millennium. As we enter this new era, which will have unimaginable opportunity and prosperity and peace and freedom, let us remember the Robert Smileys and the Don Rohrabachers and the men and women of their generation for the magnificent gift that they have left us.

Ours would be a far darker and more frightening world if it was not for them, if it was not for their service and their courage. In the history of America, few generations have carried such a heavy burden for as long as they did, or confronted more monumental challenges, or gave so much.

□ 1245

Those truly were great Americans. So let us salute this generation as it marches on. Let us keep faith with them by insisting that America remain true to its ideals of liberty, justice, and democracy. Our greatest tribute to those who saved the world from the Nazis and from the Japanese militarists is to keep America the beacon of hope for the oppressed, to make sure that Old Glory keeps waving proud and strong over the land of the free and the home of the brave.

RECESS

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 45 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

With gratitude and praise, we are thankful that people of faith can more completely understand and respect each other. O gracious God, as You

have created us as one people and breathed into our hearts the very essence of life, we celebrate our common calling to be people of faith and hope and love and to express that faith in those good works that strengthen the weak, provide food for the hungry, clothing to the needy and shelter to the homeless. While we appreciate our own traditions and heritage, we pray, O God, that we would be better stewards of the great gifts that we share together. Unite us, strengthen us and keep us all in Your grace, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Guam (Mr. UNDERWOOD) come forward and lead the House in the Pledge of Allegiance.

Mr. UNDERWOOD led the Pledge of Allegiance as follows:

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 29, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 29, 1999 at 11:30 a.m. and said to contain a message from the President whereby he transmits to the Congress an attached notice on the continuation of the Sudanese emergency.

With best wishes, I am
Sincerely,

JEFF TRANDAH,
Clerk.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-151)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Sudanese emergency is to continue in effect beyond November 3, 1999, to the *Federal Register* for publication.

The crisis between the United States and Sudan that led to the declaration on November 3, 1997, of a national emergency has not been resolved. The Government of Sudan continues to support international terrorism and efforts to destabilize neighboring governments, and engage in human rights violations, including the denial of religious freedom. Such Sudanese actions pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Sudan.

WILLIAM J. CLINTON.

THE WHITE HOUSE, October 29, 1999.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from James M. Eagen III, Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, October 27, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC 20515.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I have received a subpoena for documents issued by the United States District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

JAMES M. EAGEN III,
Chief Administrative Officer.

COMMUNICATION FROM STAFF MEMBER OF CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from John M. Allen, Director of the Office of Communications Media of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, October 26, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC 20515.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that the Custodian of Records, House Recording Studio has received a subpoena for documents issued by the United States District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

JOHN M. ALLEN,

Director, Office of Communications Media.

FIGHTING CRIME IN AMERICA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday's edition of the Las Vegas Sun contained a story detailing disturbing increases in gang violence and gang membership in the Las Vegas metropolitan area. Although gang violence is not unique to Las Vegas, violent crime is a problem that plagues most communities across this Nation.

As we continue to debate the appropriations bill for the Commerce, State, and Justice Departments, my hope is that we can all unite together to pass legislation that will improve the Federal response to combating violence in America. It is obvious to most Americans that putting more police on the street is just a beginning. We must encourage all segments of society to work together in implementing effective crime fighting strategies.

Additionally, we need to remove the bureaucratic red tape which discourages local law enforcement agencies from seeking Federal funding for their crime fighting programs.

I look forward to supporting an appropriations plan which will give State and local governments more control over how to best combat crime in their individual communities. We can win the battle against crime but we need to provide our communities with the power to fight crime.

CHINESE RELATIONS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, reports say the White House will support China over Taiwan, thus communism over democracy. Unbelievable. The reports say the White House will put tough conditions on it. Like what, Mr. Speaker? A waiting period on Chinese missile launches? A promise that China will not sell any of their stolen technology at missile shows? How about trigger locks on all those Chinese missiles?

Beam me up, Mr. Speaker. These cerebral constipators have already given away the farm. Now they are starting to play with our freedom.

I yield back the fact that we built the Panama Canal and China now runs it.

REPUBLICAN CONGRESS WORKING TO PROTECT SOCIAL SECURITY

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, for 30 years Washington big spenders have raided the Social Security trust fund. They have put big government programs ahead of retirement security for hardworking Americans.

The Republican Congress has changed that. We put the Social Security surplus in a lockbox and we are not spending a dime of it. But the Democrat leadership just does not think this is a good idea. They think we should wait and see if we can find any money in the budget before we meet our commitment to our Nation's workers and retirees.

That approach just does not cut it. The money is already there. So we Republicans are asking each Federal agency to trim waste, fraud and abuse. We will take one penny from each dollar in their budgets and let them decide how to get by without it. In other words, we will not cut a single program. Instead, we look to the bureaucracy to cut down on waste, fraud and abuse so we can strengthen retirement security for American workers.

LOCKBOX LEGISLATION HELD HOSTAGE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, yesterday was Halloween, another landmark along the trail of days since the House passed my Social Security lockbox protection bill. Since we passed this important bill on May 26, we have celebrated Memorial Day, the Fourth of July, Labor Day, Columbus Day and now Halloween. Veterans Day is only 10 days from now and Thanksgiving, Hanukkah and Christmas are just around the corner. And all this time what has happened to the Social Security lockbox in the other body? Absolutely nothing. On six separate occasions, Democrats in the other body have voted to keep this vital bill from coming to the Senate floor for a vote.

Despite the stall on the lockbox bill, we will be successful this year in protecting Social Security and Medicare funds from the congressional big spenders. Stopping the raid was not easy. It will be a tough fight for years into the future unless the fight is made easier with the passage of the Social Security lockbox bill.

Mr. Speaker, it is time for seniors to stop counting holidays and to start counting on the money that should be set aside for their retirement needs.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any recorded votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

FEMA AND CIVIL DEFENSE MONUMENT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 348) to authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs.

The Clerk read as follows:

H.R. 348

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

SECTION 1. AUTHORITY.

(a) GRANT OF AUTHORITY.—The United States National Civil Defense Monument Commission (in this Act referred to as the "Commission"), a private nonprofit organization organized under the laws of the State of Pennsylvania, is authorized to construct a Monument to honor those who have served the Nation's civil defense and emergency management programs.

(b) EXPIRATION.—The authority granted by this section shall expire 7 years after the date of the enactment of this Act, unless before the expiration of such 7-year period—

- (1) the approvals required by sections 2(a) and (b) have been obtained; and
- (2) the construction of the Monument has begun.

SEC. 2. SITE AND DESIGN.

(a) SITE.—Subject to the approval of the Director of the Federal Emergency Management Agency, the Commission may select the site upon which the Monument will be constructed. Such site shall be on Federal land controlled by the Federal Emergency Management Agency at Emmitsburg, Maryland.

(b) DESIGN.—Subject to the approval of the Director of the Federal Emergency Management Agency, the Commission may develop the design of the Monument.

SEC. 3. CONSTRUCTION COSTS.

The costs of constructing the Monument shall be paid out of contributions to the Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 348, introduced by the gentleman from Maryland

(Mr. BARTLETT). The gentleman from Maryland worked hard on this bill which would help recognize those people who have served in this country's civil defense. Specifically, H.R. 348 would authorize the United States Civil Defense Monument Commission to construct a monument to honor those who have served in the Nation's civil defense and emergency management programs. This monument will be constructed on Federal land located in Emmitsburg, Maryland and administered by the Federal Emergency Management Agency. The site and design of this monument will be subject to the approval of the Director of FEMA. All of the costs for the construction of the monument will be paid by the Commission.

Mr. Speaker, this bill has bipartisan support. I urge my colleagues to support H.R. 348.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, the legislation, H.R. 348, introduced by the gentleman from Maryland (Mr. BARTLETT) authorizes a private, not-for-profit entity, the United States National Civil Defense Monument Commission, to construct a monument honoring those who have served in our Nation's civil defense and emergency management programs. Mr. Speaker, the civil servants this monument would honor are often overlooked until disasters such as Hurricanes Floyd and Dennis remind us all of the important role played by these dedicated people. A monument providing a more lasting recognition is clearly appropriate.

It is important to note that this monument would be funded through contributions to the Commission and built on land owned by the Federal Emergency Management Agency in Emmitsburg, Maryland. The Commission, subject to the approval of the Director of FEMA, would be authorized to select the exact location and design of the monument.

As a general matter, we should consider each new proposal to construct a monument on Federal land very carefully, given the limited space available for further such constructions in areas such as the National Mall. In this case, however, the site of the FEMA Center in Maryland seems appropriate and the involvement of the FEMA director in approving the exact site and design will ensure that this proposed monument provides the men and women who have served in our national civil defense and emergency management programs the recognition they well deserve.

I would like to add that those of us who come from areas like Guam which experience natural disasters on a regular basis would also enthusiastically

support this legislation. I urge my colleagues to support H.R. 348.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. BARTLETT), the author of this legislation.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today as the original sponsor of H.R. 348, the National Civil Defense/Emergency Management Act of 1999. This is a straightforward, non-partisan piece of legislation which will authorize the placement of a monument to honor those individuals, paid and volunteers alike, who have served our Nation in our most trying times, when disaster strikes.

Mr. Speaker, as we speak, FEMA employees and volunteers are working around the clock to help the victims of Hurricane Floyd recover from widespread wind damage, beach erosion, and, most notably, flooding. FEMA teams are working tirelessly to deliver food, shelter, clothing and medical assistance to thousands of families up and down the East Coast. While this is the most recent disaster to strike the U.S., it surely will not be the last. It is our hope that this monument will be a permanent reminder to those who come to our rescue that we appreciate their service and dedication to duty.

The monument itself is a gift from the private, nonprofit National Civil Defense Monument Commission. I would like to commend the members of this commission, especially their Chairman, Alex Atzert, for their efforts to raise the necessary funds for this monument, which comes at no cost to taxpayers.

Mr. Speaker, as set forth in this legislation, the design and site selection of the monument must be approved by the FEMA Director, currently James Witt, who has given this monument his blessing. I am proud to say that the monument will be placed on the grounds of the FEMA training facility in Emmitsburg, Maryland, in the Sixth Congressional District which I have the honor to represent.

Mr. Speaker, by passing H.R. 348, we can demonstrate our appreciation for those who have served our country at FEMA and Civil Defense.

□ 1415

This small token of appreciation will help ensure that future generations recognize the hard work and dedication of former employees and volunteers who look favorably on this worthy endeavor.

Mr. Speaker, I urge passage of H.R. 348, and I yield back the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further speakers on this issue, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Utah

(Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 348.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LEWIS AND CLARK NATIONAL HISTORIC TRAIL LAND CONVEYANCE ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2737) to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail, as amended.

The Clerk read as follows:

H.R. 2737

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

SECTION 1. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to the State of Illinois all right, title, and interest of the United States in and to a parcel of federally owned land under the jurisdiction of the Secretary consisting of approximately 39 acres located in the north half of section 16, township 4 north, range 9 west, Third Principal Meridian, Madison County, Illinois, within the corridor of the Lewis and Clark National Historic Trail.

(b) SURVEY; CONVEYANCE COSTS.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other costs incurred by the Secretary to convey the land shall be borne by the State of Illinois.

(c) CONDITIONS OF CONVEYANCE.—

(1) USE OF CONVEYED LAND.—The conveyance authorized under subsection (a) shall be subject to the condition that the State of Illinois, acting through the Illinois Historic Preservation Agency, use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.

(2) PLAN FOR DEVELOPMENT AND OPERATION OF SITE.—The conveyance authorized under subsection (a) shall be subject to the further condition that the Governor of the State of Illinois develop, within two years after the date of the conveyance, a plan for the development and operation of the historic site and interpretive center proposed for the conveyed land. In developing the plan, the Governor shall provide an opportunity for review and comment by the Secretary and the public.

(d) DISCONTINUANCE OF USE.—If the State of Illinois determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the State of Illinois shall convey the lands back to the Secretary without consideration.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.— There is authorized to be appropriated such sums as are necessary to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2737, as amended.

Numerous events will take place across the country in the next few years celebrating the exploration of the western United States by the Lewis and Clark expedition. This expedition effectively opened up new territories to be settled and used by the fledgling United States and led to the discoveries of many new peoples, plants and animals and resources.

H.R. 2737, introduced by the gentleman from Illinois (Mr. COSTELLO) will authorize the Secretary of the Interior to convey a parcel of land to the State of Illinois, who will showcase the beginning of the Lewis and Clark expedition from this spot which began in 1803. The land is currently owned by the National Park Service and the conveyance authorized by this legislation shall be made without consideration to the Federal Government. The parcel of land consists of approximately 39 acres on the banks of the Mississippi River in Madison County, Illinois. If the land conveyance to Illinois is not used for a historical and interpretive center, then the land shall be conveyed back to the Secretary without consideration.

Mr. Speaker, this bill has wide support, and I urge my colleagues to support H.R. 2737, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 2737 directs the Secretary of the Interior to give a specific parcel of land to the State of Illinois to be used as a historic and interpretive center for the Lewis and Clark trail, the 39-acre parcel of land located at the confluence of the Missouri and Mississippi Rivers about 20 miles northeast of St. Louis. This area played a significant role in the story of Lewis and Clark, as it is the area where the explorers camped before beginning their journey.

In addition, many of the members of this historic corps were recruited from the surrounding area. As the 200th anniversary of the expedition approaches, a variety of activities commemorating this amazing achievement will take place across the country, and it is certainly fitting that Lewis and Clark's launching point will host a new historic and interpretive center.

Importantly, the legislation makes the conveyance conditional on the completion of a survey and requires that, should the State ever discontinue use of the site for historic and interpretive purposes, the land must be returned to the Federal Government. During committee consideration of this measure, our amendment requiring the governor of the State of Illinois to devise a specific plan for the development and operation of this interpretive center was adopted.

The legislation now specifies that both the Secretary of the Interior as well as the general public shall have an opportunity to review and comment upon this plan. With this added level of oversight and public input, we urge our colleagues to support this bill, as amended; and we congratulate our friend and colleague, the gentleman from Illinois (Mr. COSTELLO), on this important legislation for the history of the Nation.

Mr. HILL of Indiana. Mr. Speaker, I rise to offer my support for H.R. 2737, a bill that authorizes the National Park Service to convey 39 acres of land to the State of Illinois for an interpretive center to be constructed along the Lewis and Clark National Historic Trail.

I look forward to working with my colleagues in the House of Representatives on other projects commemorating the bicentennial of the Lewis and Clark expedition. However, I feel that I must, as I have done in the past, set the record straight on where the Lewis and Clark expedition began.

Mr. Speaker, contrary to some of the statements made by my colleagues on the floor this afternoon, the expedition of these historic partners began at the Falls of the Ohio, near Clarksville in southern Indiana.

On September 1, 1803, Meriwether Lewis began his journey down the Ohio River toward Clarksville, Indiana, where he eventually met his partner on the expedition, William Clark. By October 14, Lewis had reached the Falls of the Ohio, a series of dangerous rapids created by a drop in the river over a two-mile series of limestone ledges. The following day, Lewis and his crew safely crossed the falls on the north side of the river. They then set out to meet Clark, who was living in Clarksville with his brother, Revolutionary War hero George Rogers Clark.

The noted historian, Stephen Ambrose, writes of Lewis and Clark's meeting in Clarksville in his best-selling book, *Undaunted Courage*, "When they shook hands, the Lewis and Clark Expedition began." During the two weeks following the meeting, Lewis and Clark recruited the first official members of the expedition, a group often referred to as the "Corps of Discovery." Men from across the region traveled to Clarksville hoping to be selected to join the expedition. Lewis and Clark chose nine men in Clarksville to join them on the journey, and as Ambrose notes in *Undaunted Courage*, there "the Corps of Discovery was born."

The crew departed on October 26, 1803, thus marking Clarksville, Indiana as the actual point of origin for the Lewis and Clark Expedition. From there, the Explorers' remarkable adventures spanned over 8,000 miles of unknown land.

No bicentennial celebration would be complete without noting southern Indiana's part in

the Lewis and Clark story I encourage all Americans wishing to retrace the steps of the explorers or to learn more about the importance of the expedition to our nation, to visit the Falls of the Ohio and surrounding area.

I am pleased that Congress is taking the initiative to promote and support the commemoration of such a remarkable piece of our American history. That is why I support H.R. 2737.

Mr. UNDERWOOD. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further speakers on this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2737, as amended.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the last two bills, H.R. 348 and H.R. 2737, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

DUGGER MOUNTAIN WILDERNESS ACT OF 1999

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2632) to designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness.

The Clerk read as follows:

H.R. 2632

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dugger Mountain Wilderness Act of 1999".

SEC. 2. DESIGNATION OF DUGGER MOUNTAIN WILDERNESS, ALABAMA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal lands in the Talladega National Forest in the State of Alabama, which comprise approximately 9,200 acres, as generally depicted on a map entitled "Proposed Dugger Mountain Wilderness" and dated July 2, 1999, are hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, and shall be known as the Dugger Mountain Wilderness.

(b) MAP AND DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a map and a boundary description of the area designated as wilderness by this section. The map and description shall have the same force and effect as

if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and description. A copy of the map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service and in the office of the Supervisor of National Forest System lands in Alabama.

(c) **MANAGEMENT.**—Subject to valid existing rights, lands designated as wilderness by this section shall be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that, with respect to the wilderness area designated by this section, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) **TREATMENT OF DUGGER MOUNTAIN FIRE TOWER.**—The Forest Service shall have two years, beginning on the date of the enactment of this Act, in which to use ground-based mechanical and motorized equipment to disassemble and remove from the wilderness area designated by this section the Dugger Mountain fire tower, which has been scheduled for removal by the Forest Service, and any supporting structures. The road to the fire tower shall be open to motorized vehicles during this period only for the purpose of removing the tower and supporting structures, after which time the road shall be permanently closed to motorized use. The Forest Service shall follow the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) in the determination and execution of the removal of the tower and supporting structures.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2623 was introduced on July 29, 1999, by the gentleman from Alabama (Mr. RILEY). This legislation would designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness.

On August 3, 1999, the Forest Service testified in support of H.R. 2632 during a subcommittee hearing. On October 20, 1999, Mr. Speaker, the full Committee on Resources ordered the bill favorably reported by a voice vote.

This is a good piece of legislation. The gentleman from Alabama has worked diligently on this, and I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 2632 would designate approximately 9,200 acres of land in Alabama's Talladega National Forest. Dugger Mountain, with an elevation of 2,140 feet, is the second highest peak in Alabama and includes the popular Pinhoti

National Recreation Trail. It has been recommended for wilderness studies since 1986.

This year marks the 35th anniversary of the passage of the Wilderness Act. Congress is adding more acres to the national wilderness preservation system. Even relatively small amounts of acreage has become an all too infrequent event in recent years. Wilderness bills like H.R. 2632, introduced by our friend and colleague, the gentleman from Alabama (Mr. RILEY), deserve our support, and I urge my colleagues to pass it.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. RILEY), the author of this legislation.

Mr. RILEY. Mr. Speaker, we do have a unique opportunity today to designate the Dugger Mountain Wilderness Area as a wilderness area that we can keep in perpetuity for our children and our grandchildren to enjoy.

Mr. Speaker, this last weekend I had a unique opportunity to take my grandchildren out and go on a hike in the woods and do some things that I do not get to spend as much time with them as I wished I could, but one of the things that I noticed, especially coming from this area, is how unique Dugger Mountain is. It is not only the second highest peak in Alabama, but it is a section of land, 9,200 acres, that we have tried to make a wilderness area since 1986.

Two of my predecessors, Congressman BILL NICKLES, who served here for over 20 years, first introduced this piece of legislation, and later Congressman Glen Browder introduced the legislation. It is not very often that we have a piece of legislation that comes that we have unanimous support for. In Alabama all of the local communities have signed proclamations endorsing this. We have over 300 landowners throughout the area that have supported this. Even the Alabama Forestry Association has not opposed designating this wilderness area.

I know there is a lot of talk today about wilderness areas and how they are becoming more prevalent, but this is a unique piece of property. Because of its mountainous terrain, the ability to harvest logs off of it or harvest timber off of this piece of property is non-existent, so the Alabama Forestry Service for the last 25 or 30 years have already managed this as a wilderness area.

It is also unique in that it lies halfway between Birmingham and Atlanta, and one of the things that we are trying to do in Alabama is to promote ecotourism. When one has a million and a half to 2 million people in Atlanta, approximately a million people in Birmingham, this lies halfway between the two, it is an opportunity for our area to showcase the real beauty of Alabama. We think that it is going to be an extra special benefit to our tour-

ism in Alabama, and again, when one has the opportunity to do something that not only is going to bolster the economy of the State and of this local area and at the same time allow us to preserve something that is very, very unique in Alabama, we think that this is a win, win, win situation not only for the Federal Government, not only for this country, not only for Alabama, not only for the people of Calhoun County, but we think that it is something that will benefit our children for generations to come.

So I would like to thank the gentleman from Utah. I thank the committee for the way that they have moved this process through, and I would ask all of the Members to kindly support this bill.

Mr. UNDERWOOD. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2632.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CENTRAL UTAH PROJECT COMPLETION ACT AMENDMENTS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2889) to amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah project purposes, completion of Central Utah project facilities, and implementation of water conservation measures.

The Clerk read as follows:

H.R. 2889

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

SECTION 1. AMENDMENT OF CENTRAL UTAH PROJECT COMPLETION ACT.

The first sentence of section 202(c) of the Central Utah Project Completion Act (Public Law 102-575; 106 Stat. 4611) is amended to read as follows: "The Secretary is authorized to utilize any unexpended budget authority provided in this title up to \$60,000,000 and such funds as may be provided by the Commission for fish and wildlife purposes, to provide 65 percent Federal share pursuant to section 204, to acquire water and water rights for project purposes including instream flows, to complete project facilities authorized in this title and title III, to implement water conservation measures, and for the engineering, design, and construction of Hatchtown Dam in Garfield County and associated facilities to deliver supplemental project water from Hatchtown Dam."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2889 would amend the Central Utah Project to authorize the Secretary of Interior to use up to \$60 million in unexpended budget authority to acquire water and water rights, complete project facilities, and implement water conservation measures within the CUP. Since the 1992 enactment of the CUP Completion Act, issues regarding endangered species, water conservation and minimum flows in the lower Provo River have arisen that need to be adequately addressed and funded. During completion of the CUP, changes in modifications to project features resulted in excess funds in some accounts and shortages in others.

□ 2030

This requires this amendment to complete this project.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 2889 would permit the use of savings achieved in certain areas of the Central Utah Project to be spent on other projects and programs where needed and without further Congressional approval. The administration supports the bill and it is not considered controversial. I urge my colleagues to support H.R. 2889.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, first of all, I would like to express my gratitude to the gentleman from California (Chairman DOOLITTLE), the gentleman from Alaska (Chairman YOUNG) and the House leadership for bringing this legislation before the House.

The Central Utah Project has allowed for the development and delivery of Utah's water for decades. The Bureau of Reclamation and the Central Utah Water Conservancy District have nearly completed the planning of the project components and water conservation measures have surpassed expectations, while Federal dollars have been saved at various stages.

H.R. 2889 simply allows resources to be shifted from one project to the next as they are needed. This will ensure that the remaining projects can be completed in a timely and cost effective manner. The legislation provides no additional Federal dollars. It only provides flexibility to transfer already authorized dollars and resources as they are needed throughout the project.

H.R. 2889 does not increase Federal spending, nor does it increase any Federal spending authority. H.R. 2889 incorporates the changes sought by the

administration, and, therefore, we do not expect opposition from the White House. Companion legislation has been introduced by Senator BENNETT and consideration by the other body is expected soon.

Mr. Speaker, I urge my colleagues to support H.R. 2889.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2889.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2632 and H.R. 2889.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

SENSE OF CONGRESS REGARDING SHARK FINNING

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 189) expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning, as amended.

The Clerk read as follows:

H. CON. RES. 189

Whereas shark finning is the practice of removing the fins of a shark and dumping its carcass back into the ocean;

Whereas demand for shark fins is driving dramatic increases in shark fishing and mortality around the world;

Whereas the life history characteristics of sharks, including slow growth, late sexual maturity, and the production of few young, make them particularly vulnerable to overfishing and necessitate careful management of shark fisheries;

Whereas shark finning is not prohibited in the waters of the Pacific Ocean in which fisheries are managed by the Federal Government;

Whereas according to the National Marine Fisheries Service, the number of sharks killed in Central Pacific Ocean and Western Pacific Ocean fisheries rose from 2,289 in 1991 to 60,857 in 1998, an increase of over 2,500 percent, and continues to rise unabated;

Whereas of the 60,857 sharks landed in Central Pacific Ocean and Western Pacific Ocean fisheries in 1998, 98.7 percent, or 60,085, were killed for their fins;

Whereas shark fins comprise only between 1 percent and 5 percent of the weight of a shark, and shark finning results in the unconscionable waste of 95 percent to 99 percent (by weight) of a valuable public resource;

Whereas the National Marine Fisheries Service has stated that shark finning is

wasteful, should be stopped, and is contrary to United States fisheries conservation and management policies;

Whereas shark finning is prohibited in the United States exclusive economic zone of the Atlantic Ocean, the Gulf of Mexico, and the Caribbean;

Whereas the practice of shark finning in the waters of the United States in the Pacific Ocean is inconsistent with the Magnuson-Stevens Fishery Conservation and Management Act, the Federal Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks, and the shark finning prohibitions that apply in State waters in the Atlantic Ocean and Pacific Ocean;

Whereas the United States is a global leader in shark management, and the practice of shark finning in the waters of the United States in the Pacific Ocean is inconsistent with United States international obligations, including the Code of Conduct for Responsible Fishing of the Food and Agriculture Organization of the United Nations, the International Plan of Action for Sharks of such organization, and the United Nation's Agreement on Straddling Stocks and Highly Migratory Species; and

Whereas establishment of a prohibition on the practice of shark finning in the Central Pacific Ocean and Western Pacific Ocean would result in the immediate reduction of waste and could reduce shark mortality by as much as 85 percent: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the practice of removing the fins of a shark and dumping its carcass back into the ocean, commonly referred to as shark finning, is a wasteful and unsportsmanlike practice that could lead to overfishing of shark resources;

(2) all Federal and State agencies and other management entities that have jurisdiction over fisheries in waters of the United States where the practice of shark finning is not prohibited should promptly and permanently end that practice in those waters; and

(3) the Secretary of State should continue to strongly advocate for the coordinated management of sharks and the eventual elimination of shark finning in all other waters.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Minnesota (Mr. VENTO) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 189.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Con. Res. 189, authored by my friend the gentleman from California (Mr. CUNNINGHAM), expresses the sense of Congress that the practice of shark finning is wasteful and unsportsmanlike. In addition, it calls on the Western Pacific Regional Fisheries Management Council, the National Marine Fisheries Service and the State Department to take action to

ban the practice in U.S. waters and to work for a global ban on the practice.

The issue that we are talking about here, shark finning, may not be one that is familiar to all Members. I would just like to say a word about what this is, because, as the gentleman from California (Mr. CUNNINGHAM) so well points out in H. Con. Res. 189, it is a practice which I believe would be tasteless, at best, and perhaps many other things at worst.

It is very simply this: Catching, through the process that we generally refer to as long lining, sharks, in this case in the western Pacific Ocean, bringing them alongside the boat and removing with a knife their fins, and then turning them loose to die. That is shark finning.

Members of this House will remember that in the last reauthorization of the Magnuson Fisheries Conservation and Management Act, now known as the Magnuson-Stevens Act, we added a new standard with the goal of reducing bycatch; that is, catching fish other than the targeted species in a fishery.

In the meantime, shark finning has been discouraged and made illegal in the Atlantic Ocean, in the Caribbean and in the Gulf of Mexico, leaving only the American waters in the Pacific Northwest in our country where shark finning is permitted. The Magnuson-Stevens Act requires Fishery Management Councils to develop fishery management plans which are consistent with national standards, and I believe that a national standard has been set by outlawing this practice in the Atlantic, the Caribbean and the Gulf of Mexico.

The new national standard requires Councils to develop fishery management plans which minimize bycatch to the extent practicable, and to the extent that bycatch cannot be reduced, the mortality of such bycatch should be reduced.

The practice of shark finning appears not only to encourage the retention of bycatch, but also encourages the mortality of the bycatch. In fact, information from the National Marine Fisheries Service suggests that while in 1991 only 3 percent of the sharks were retained, that is right, 3 percent of the sharks were retained, by 1998 60 percent of the sharks brought to the boat were killed for their fins rather than being released. The only portion of the shark that is retained are the fins, which obviously are kept for economic reasons.

This is a wasteful practice and should not be allowed. In addition, it is inconsistent with the rules governing the harvest of sharks on the East Coast, in the Gulf of Mexico, and, as I pointed out, in the Caribbean.

Some have complained that this resolution undermines the authority of the regional fisheries councils. This is not true, at least in my opinion. This does nothing more than send a signal to the Western Pacific Council, a shot across the bow, if you will, as well as to others, that Congress does not like the

practice of shark finning and that those management bodies that manage sharks should take action to prohibit it.

The Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on this resolution on October 21, 1999, and heard testimony from a number of interested parties, including the Western Pacific Regional Fish Management Council. While the council did take action at their last meeting to reduce the overall retention of sharks in the longline fisheries, they took no action to reduce or eliminate the practice of shark finning.

The full Committee on Resources passed this resolution with an amendment by voice vote on October 27 of this year.

I believe Congress should continue to express our strong opposition to this practice and should pass this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution and I concur in the remarks of the subcommittee chairman. We had a good hearing and all points of view were presented. I want to commend the gentleman from California (Mr. CUNNINGHAM) for bringing this matter to us in the form of a resolution.

I support this resolution. In fact, I would support a lot more, to not just provide a sense of Congress, but to in fact act to prevent this outrageous type of activity that is taking place in our fisheries.

What it amounts to, Mr. Speaker, as the chairman pointed out, is a practice of longlining and catching tuna and other types of valuable economic species of fish. At the same time there is some bycatch or incidental catch of sharks.

The fact is that the economic value total of the shark is and could be quite significant, but the most valuable portion of it is, of course, the fins on that shark, which are often used for gourmet recipe of shark fin soup. As we know, as its popularity has grown, this particular practice of incidental bycatch, of stripping the fins off of the sharks to be used for this purpose, is increasingly taking place.

I think, Mr. Speaker, it is ethically and morally wrong. I think many parts of the shark, including the skin, the liver for its oil and other qualities, and other materials that are present in the shark have some economic value. But to take out the most valued part, which are the fins, of course, that leaves a carcass of a large fish in the ocean to be wasted. I think this is an outrage, and I hope that we can change such practice with this resolution as the chairman said, a shot across the bow. I would hope that would be the case.

I think that when we talk about the numbers here, it has been banned in

the Atlantic Ocean but continues to persist in the Pacific Ocean. 60,000 to 70,000 Pacific sharks, and this number has risen over the years to the point where in the last 5 years it has grown exponentially, but risen to the point where nearly 70,000 animals are in fact mistreated in this manner, which is worth I guess a couple million dollars to those that are doing the shark finning. But I think that the destruction of that type of resource screams for some type of public policy action, and certainly this resolution is in step with that. I hope that it results in actions that correct this outrageous practice.

I know the Western Fisheries Council had made a goal of reducing the number to 50,000. Quite frankly, Mr. Speaker, I think that type of change of policy path by itself is not enough, because I think it misses the point as to what is taking place here with the destruction of these species. Some of the species are very common, like the blue shark, but there is indiscriminate treatment of these majestic fish and the sharks that we have in the ocean that are being treated in this way, and I think that the USA should be leading in terms of making the policy changes in the Pacific regarding this deplorable practice. Hopefully we could enlist other nations to follow us in terms of ending this improper practice and exploitation of this valued fish species, the shark. I urge Members to support this resolution.

Mr. Speaker, I support this resolution which urges the Western Pacific Fishery Management Council, the National Marine Fisheries Service, and the State of Hawaii to ban shark finning in all Federal and State waters in the Pacific Ocean.

Finning is a wasteful practice that is already prohibited in U.S. waters in the Atlantic, the Gulf and the Caribbean, in part, because it leads to the overfishing of shark resources in those areas. It is time for that prohibition to be in effect nationwide.

In addition, the U.S. has played a leadership role in promoting shark conservation efforts internationally. Our continued efforts in this arena will be hampered if this wasteful practice is allowed to continue in our own waters.

This resolution does not override the authorities of the Western Pacific Fishery Management Council. It simply tells them that this Congress believes it is time for them to bring this wasteful practice to an end, and I support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM), who brought this issue to our attention and who told us inasmuch as shark finning had already been outlawed, if you will, in the Atlantic, the Caribbean and the Gulf of Mexico, it made no sense to permit the practice to continue in the western Pacific. I thank the gentleman for his great effort in bringing this to our attention and making sure that we address the problem.

Mr. CUNNINGHAM. Mr. Speaker, I would like to thank the gentleman

from New Jersey (Chairman SAXTON) and the gentleman from Minnesota (Mr. VENTO). I would also like to thank them for their support, both Republicans and Democrats alike. This is an issue on which we can come together.

Mr. Speaker, I introduced H. Con. Res. 189 to send a clear message that shark finning is wasteful and unsportsmanlike. The destructive practice of shark finning in the American waters off the central and western Pacific must stop.

Mr. Speaker, years ago this country destroyed buffalo herds only for the hides of those buffalo and left the meat to rot in the sun. What a waste of a resource. They nearly decimated the herds for the Native Americans. The same thing is done today with elephant tusks. To just shoot an elephant and take the tusk and leave the meat rotting is wrong. Or whether it is a seal pup for its hide, to take the hide and let the carcass sit there in the snow is wrong. Shark finning is a practice of removing shark fins and discarding the carcass into the sea.

Mr. Speaker, I am a sportsman. I love to hunt and fish, but it is under a managed system to make sure that our resources are here for our children and their children and our grandchildren down the line.

I am also a diver, and I am not necessarily fond of sharks. I have had a couple of occasions where I wished they had not have been so close around. But they have been part of our ecosystem for millions of years, and I think we need to manage that resource so that they are not depleted. They went from taking 2,300 to nearly 61,000 sharks in very short order. I think we ought to stop and take a look.

The gentleman from New Jersey (Mr. SAXTON) covered much of this material, so I will submit a lot of it for the RECORD. But the action that WestPac took was merely to cut from 60,000 to 50,000 the number of sharks from finning.

□ 1445

Yet, Mr. Speaker, 95 percent of those sharks are finned and just dumped back into the water, some alive, left to drown, and some dead. In any regard, it is inhumane, it is cruel, and it is wasteful.

The United States has emerged as a global leader in shark fisheries management. Yet, as Ms. Sonya Fordham of the Center for Marine Conservation notes, "Our inability to address an egregious finning problem within our own waters threatens to undermine the U.S. role in these important international initiatives."

I would also like to thank a gentleman who came all the way from Hawaii, Ms. Brooke Burns, a young 21-year-old from the series of Baywatch. She, I think, articulated in a most professional way the support of the American people in why this practice should not continue.

This spring, the gentleman from New Jersey (Mr. SAXTON) and myself plan to

introduce legislation. And if Members can imagine, the gentleman from New Jersey (Mr. SAXTON), the gentleman from California (Mr. CUNNINGHAM), and the gentleman from Minnesota (Mr. VENTO), if he will join us, on a bill together on this floor, that will be a day. I would say to my friend, we plan this spring, under the Magnuson Act, to have legal and binding law to act accordingly.

Mr. Speaker, I include for the RECORD correspondence regarding this matter:

OCEAN WILDLIFE CAMPAIGN,
Washington, DC, September 22, 1999.

Hon. RANDY CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: We are writing to express serious concern regarding the management and health of shark populations in U.S. Pacific waters, specifically in areas under the jurisdiction of the Western Pacific Regional Fishery Management Council (WESPAC). Driven by the international demand for shark fin soup, the practice of shark finning—cutting of a shark's fins and discarding its carcass back into the ocean—is a rapidly growing problem that is directly responsible for huge increases in the number of sharks killed annually and appalling waste of this nation's living marine resources. The National Marine Fisheries Service has prohibited shark finning in the U.S. Atlantic, Gulf of Mexico, and Caribbean. It is time to ban finning in the Pacific.

Between 1991 and 1998, the number of sharks "retained" by the Hawaii-based swordfish and tuna longline fleet jumped from 2,289 to 60,857 annually. In 1998, over 98 percent of these sharks were killed for their fins to meet the demand for shark fin soup. Because shark fins typically comprise only one to five percent of a shark's bodyweight, 95 to 99 percent of the shark is going to waste. Sharks are particularly vulnerable to overfishing because of their "life history characteristics"—slow growth, late sexual maturity, and the production of few young. Once depleted, a population may take decades to recover.

The National Marine Fisheries Service, conservationists, fishermen, scientists, and the public have pressured WESPAC to end the practice of shark finning. Nevertheless, WESPAC and the State of Hawaii recently failed to take action to end or control finning.

This issue of shark finning is characterized by a dangerous lack of management, rampant waste, and egregious inconsistencies with U.S. domestic and international policy stances. It is the most visible symptom of a larger problem: a lack of comprehensive management for sharks in U.S. Pacific waters. The history of poorly or unmanaged shark fisheries around the world is unequivocal: rapid decline followed by collapse. Sharks are not managed in U.S. Central and Western Pacific waters, and with increased fishing pressure there may be rapidly growing problems.

We urge your office to take whatever action is necessary to immediately end the destructive practice of shark finning in U.S. waters and encourage WESPAC to develop a comprehensive fishery management plan for sharks that will, among other things:

1. Immediately prohibit the finning of sharks;
2. Immediately reduce shark mortality levels by requiring the live release of all bycatch or "incidentally caught" animals brought to the boat alive;

3. Immediately reduce the bycatch of sharks;

4. Prevent overfishing by quickly establishing precautionary commercial and recreational quotas for sharks until a final comprehensive management plan is adopted that ensures the future health of the population. Given the dramatic increase in the number of sharks killed in the Hawaiian longline fishery, WESPAC should cap shark mortality at 1994 levels as a minimum interim action, pending the outcome of new population assessment.

Thank you for your attention to this urgent matter.

DAVID WILMOT, PH.D.,
Ocean Wildlife Campaign.

CARL SAFINA, PH.D.,
National Audubon Society.

LISA SPEER,
Natural Resources Defense Council.

TOM GRASSO,
World Wildlife Fund.

SONJA FORDHAM,
Center for Marine Conservation.

KEN HINMAN,
National Coalition for Marine Conservation.

ELLEN PIKITCH, PH.D.,
Wildlife Conservation Society.

CENTER FOR MARINE CONSERVATION,
Washington, DC, September 22, 1999.

Hon. RANDY CUNNINGHAM,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CUNNINGHAM: On behalf of the Center for Marine Conservation (CMC), I am writing to express our grave concern for Pacific sharks, specifically those under the jurisdiction of the Western Pacific Regional Fishery Management Council (WESPAC). High demand for shark fin soup has driven a dramatic surge in shark finning (the practice of slicing off a shark's valuable fins and discarding the body at sea) by the Hawaiian longline fleet. This appalling waste of America's public marine resources is tied to alarming yet unrestricted increases in mortality of some of the ocean's most biologically vulnerable fish.

Shark conservation has long been a key element of CMC's fisheries program due in large part to the life history characteristics that leave sharks exceptionally susceptible to overfishing. In general, sharks grow slowly, mature late and produce a small number of young. Once depleted, shark populations often require decades to recover. In the U.S. Atlantic, for example, several overfished shark stocks will require four decades to rebuild to healthy levels, even with strict fishing controls. Indeed, nearly every large scale shark fishery this century has ended in collapse.

Off Hawaii, the number of sharks killed and brought to the dock (landed) has increased by more than 2500 percent, skyrocketing from just 2,289 sharks in 1991 to 60,857 sharks in 1998. In 1998, over 98 percent of these sharks were killed solely for their fins. Considering that shark fins typically comprise only one to five percent of a shark's bodyweight, 95 to 99 percent of the shark is going to waste.

CMC has been calling upon Western Pacific fishery managers to restrict shark fisheries and ban finning for more than 5 years. More recently, similar demands have been made by many other national conservation organizations as well as local Hawaiian environmental and fishing groups, international scientific societies, concerned citizens, and several Department of Commerce high-ranking officials. A recent poll by Seaweb found that finning was among the ocean issues most disturbing to the American public. Nevertheless, WESPAC and the State of Hawaii have yet to take action to control finning or limit shark mortality.

Shark finning in particular runs counter not only to the will of the American public, to which these resources belong, but also to U.S. domestic and international policy as expressed in:

the Sustainable Fisheries Act (SFA);
the Fishery Management Plan (FMP) for Sharks of the Atlantic Ocean; the United Nations Food and Agricultural Organization (FAO) Code of Conduct for Responsible Fisheries; and

the FAO International Plan of Action for Sharks.

In addition, as you are likely aware, California is just one of many coastal states to ban finning within their waters.

In the U.S. Atlantic, the lucrative market for shark fins drove an intense fishery that led to severe depletion of several shark populations within less than 10 years. Citing "universal and strong support" for a ban on finning on behalf of the non-fishing American public, the National Marine Fisheries Service (NMFS) banned the practice in U.S. Atlantic in 1993, stating that:

NMFS believes that finning is wasteful of valuable shark resources and poses a threat to attaining the conservation objectives of fishery management under the Magnuson Act.

This year, NMFS expanded the existing finning ban from the 39 regulated species to all sharks in the Atlantic while Department of Commerce officials have repeatedly, yet unsuccessfully, called upon WESPAC to halt finning.

In recent years, the United States has emerged as a world leader in crafting and promoting landmark, international agreements pertaining to sharks and continues to lead efforts to raise global awareness of their plight and special management needs. Yet, our inability to address an egregious finning problem within our own waters threatens to undermine the U.S. role in these important international initiatives.

CMC asks for your assistance in ensuring an immediate end to the wasteful practice of finning, accompanied by a requirement that all incidentally-caught sharks brought to the boat alive be released alive. In addition, a comprehensive Pacific shark management plan that prevents overfishing and reduces bycatch is absolutely crucial to safeguarding these especially vulnerable animals; precautionary catch limits in the Western Pacific (no higher than 1994 mortality levels) are needed until such a plan is complete.

Thank you for your attention to this urgent matter.

Sincerely,

SONJA V. FORDHAM,
Fisheries Project Manager.

AMERICAN SPORTFISHING
ASSOCIATION,

Alexandria, VA, September 23, 1999.

Hon. RANDY "DUKE" CUNNINGHAM,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: On behalf of the nearly 500 members of the American Sportfishing Association, I wish to express my strong support for your resolution to ban the wasteful practice of shark finning. I commend your initiative in tackling this important, yet easily dismissed issue.

For far too long, we have neglected to take action to stop this most unsportsmanlike fishing activity. We now know that the best shark is not a dead shark; that these oft maligned fish play critical roles in preserving balance in the marine ecosystem. Healthy shark populations help maintain robust fisheries. Your effort to ban finning will not only benefit depressed shark populations, but many other species of commercially and recreationally important fish.

Thank you for your leadership in this area.
Sincerely,

MIKE HAYDEN,
President/CEO.

THE COUSTEAU SOCIETY,
Chesapeake, VA, October 8, 1999.

Hon. RANDY CUNNINGHAM,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN: The Cousteau Society, on behalf of its 150,000 members, strongly supports H. Con. Res. 189, expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning.

The Cousteau Society's own lengthy expedition to film the white shark in Australia confirmed vividly how little is known about even this well-publicized species; even less data are available for the hundreds of shark species that have not caught public or commercial attention. Whenever enough information is gathered about a given kind of shark to confirm a judgment on its status, that judgment is almost inevitably that the species is over-fished and must be protected to survive. Lack of information is obviously no good reason to delay conservation.

The Cousteau Society fully endorses your recommendation to the Western Pacific Fishery Management Council, the State of Hawaii and the National Marine Fisheries Service to ban finning in the central and western Pacific Ocean. Conservation must not wait for perfect science nor unanimous agreement. Please hold absolutely firm in insisting on an end to this destructive practice.

Yours truly,

CLARK LEE S. MERRIAM.

WESTERN PACIFIC
FISHERIES COALITION,
Kailua, HI, September 30, 1999.

Hon. RANDY "DUKE" CUNNINGHAM,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM. First let me thank you for introducing H. Con. Res. 189 and for taking an interest in the blatant waste of one of our natural resources here in the Western Pacific. The Shark Finning issue here has brought a new awareness to the problem not only in the Western Pacific region, but on a global scale. We have been involved in fisheries management here in Hawaii for over 15 years and have represented, on some Council issues, more than 18,000 Hawaiian fishermen and concerned individuals. I have been a commercial and recreational fisherman and hunter for over 40 years, but I've never seen such irresponsible actions by fishermen, much less Federal fishery managers, who continue to be proponents for shark finning.

The NMFS has already implemented a "full utilization" plan in the Atlantic and the Gulf, has justified the record and the basis for it. The Atlantic Highly Migratory Species FMO and Final Regulations, 15 CFR Part 902, published May 28, 1999, in vol. 64 Federal Register, pp. 29090 et seq. NMFS' response to public comments on proposed regulations to implement Atlantic HMS FMP (at pp. 29108-09):

Anti-Finching of Sharks

Comment 1: NMFS should implement the proposed total prohibition on finning. Response: NMFS agrees. Extending the prohibition on finning to all species of sharks will greatly enhance enforcement and contribute to rebuilding or maintenance of all shark species.

Comment 2: NMFS should not extend the prohibition on finning sharks because it disadvantages U.S. fishermen relative to for-

eign competitors and NMFS should allow a tolerance for blue shark fins to be landed. Response: NMFS disagrees. Finning of sharks within the Federal management unit has been prohibited since the original shark FMP was implemented in 1993 due to excessive waste associated with this practice. NMFS extends the prohibition on finning to all sharks to enhance enforcement and facilitate stock rebuilding and maintenance.

In a June 21, 1999 letter to the Chairman of the Western Pacific Council, Mr. Terry Garcia directs the Council to "take immediate action to ban the practice of shark finning". In the letter, Mr. Garcia points out that the US has been a leading proponent of international shark conservation measures at the United Nations FAO meetings this year. He goes on to say that "The US position during development of the International Plan of Action for the Conservation and Management of Sharks was that the FAO should affirmatively address this issue, even to the extent of putting in place a global ban on shark finning". Mr. Garcia's letter concludes by saying that "The Council should amend the Western Pacific Pelagic Fishery Management Plan to require full utilization of all sharks harvested in this fishery".

NMFS and the Department of Commerce's position is clear. Is finning any less of a waste in the Pacific as opposed to the Gulf or Atlantic? The Council unfortunately has known about this problem since 1993 and have repeatedly been told to stop finning by NMFS as early as 1995, without any action being taken. Now the Council, as a result of your resolution, is trying to justify their position in Congress by claiming that NMFS has not given them the funding to gather the necessary information nor has NMFS supplied the Council with the necessary data that would allow them to take action. Obviously these excuses are merely a way to shift the responsibility of the Council to NMFS.

NMFS has been very consistent in their position that shark finning is a "waste" issue and not a biological one. The Council has gone so far as to ask NMFS to define "waste" even though the Council Chairman has at one point himself, called shark finning a "wasteful practice". If people are going to try and confuse the issue of finning over the definition of waste, we've all digressed to the point where our fisheries are in serious trouble. Look at the history of the fisheries that have collapsed. Have they collapsed because people called for more management? Have they collapsed because people called for a precautionary approach and a reduction of waste? Or have they collapsed because people used excuses like, we don't have enough data yet, we don't have the enforcement, it's a complex issue or many others that all had one thing in common, they all lead to overfishing. A U.S. Supreme Court Justice once said during a Hearing on Pornography . . . "I don't know the definition of pornography, but I know it when I see it". I suspect his opinion of waste might go along these same lines.

In a recent response from the NMFS Honolulu Lab, Dr. Michael Laurs indicated that they HAVE NOT even begun a biological assessment of blue sharks and will not have any preliminary information until Spring 2000. Based on this information we are very concerned that no one seems to actually know the status of these stocks. The Council's claims that Japanese Data has been used by the Council to determine that the stocks are healthy is somewhat disturbing as the United States could not depend on Japanese data with regard to High Seas Driftnetting or Whaling, which in both cases the Japanese data once again claimed that these practices were not threatening the stocks.

I've asked the State Representative, who introduced our Shark finning legislation here in Hawaii last year, to forward you all the testimony his committees received in support of a ban which clearly shows the widespread support this issue had here in the Islands. Native Hawaiians have written in protest, testified and have written letters calling for a halt to finning. Charter Boat Captains in Hawaii, Commercial fishermen in Hawaii (both native and non-native) have supported a ban and they in fact catch sharks. Recreational fishermen, conservationists, scientists, State politicians and some of the Hawaii Congressional Delegation in Washington have supported a ban on finning, as well as the State of Hawaii.

Please don't let people confuse this issue as this isn't about a biological assessment or cruel practice, it is all about waste. Releasing the sharks that are caught as incidental catch alive or fully utilizing the shark, would not increase by-catch as much as it would reduce waste and by-catch mortality.

Once again thank you for your support and if there is anything we can do to support your initiative, please don't hesitate to contact us.

Best personal regards,

BOB ENDRESON.

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS,
Honolulu, HI, October 8, 1999.

Hon. RANDY "DUKE" CUNNINGHAM,
Rayburn House Office Building,
Washington, DC.

Re: Support for H. Con. Res. 189 on Shark Finning.

DEAR CONGRESSMAN CUNNINGHAM: I am writing to thank you for introducing H. Con. Res. 189 to stop the wasteful practice of shark finning in the Central, South, and West Pacific. The Administration of the Office of Hawaiian Affairs (OHA), acting consistently with Board of Trustees policies and views, supports H. Con. Res. 189. We would also like to suggest some amendments to strengthen the arguments already made in H. Con. Res. 189. OHA is a quasi-state agency tasked with working toward the betterment of Native Hawaiians, by advocating for the recognition and continuation of Hawaiian culture and identity.

As you are no doubt aware, there has been considerable outcry among the Native Hawaiian population, as well as the population at large in Hawaii, about the practice of shark finning. This public disdain for this wasteful fishing practice was most recently debated both in our State legislature and at a meeting of the Western Pacific Regional Fishery Management Council (WPRFMC).

Cultural Significance

Because Hawaiian culture is integrally tied to the health, abundance, and access to indigenous natural resources, Hawaiians have always striven to play a stewardship role by sound management and protection of the natural environment on which the culture relies. Unfortunately, Hawaii is constantly endangered by the imposition of Western beliefs, customs, religions, and economic desires that do not necessarily hold similar views about the importance of the natural environment. Taking a small portion of a shark or any animal and wasting the remainder clearly runs counter to Hawaiian stewardship views. Traditional use of sharks in Hawaiian culture meant whole utilization of the animal.

Equally as important to Hawaiians is the cultural and spiritual significance of the shark itself. Many Hawaiian families hold the shark in special esteem as the physical manifestation (called Kinolau) of their family guardian (aumakua), who was also re-

garded as a family ancestor. There are many other kinolau in Hawaiian culture, including the owl, lizard, dog, rocks, and clouds. Imagine the uproar that would arise if the Spotted Owl were to be taken, even as "bycatch," for its wings. The intensity of feeling about shark finning among Hawaiians is a hundred-fold magnified because of the special spiritual significance of the shark. To hurt or destroy the shark wantonly and intentionally is for many families equivalent to desecrating one's own ancestors and heritage. As forcefully stated by respected Hawaiian cultural practitioner and member of WPRFMC's Native and Indigenous Rights Advisory Panel Charles Kauluwehi Maxwell Sr. at a recent WPRFMC meeting, the practice of shark finning is "very offensive" to Hawaiians.

OHA believes that shark finning should not be allowed to continue, and that the U.S. government should not allow landings of shark fins unless it is taken from a shark landed whole.

Suggested Amendments to Bill

We feel that H. Con. Res. 189 can be strengthened by including language to express the culturally offensive nature of shark finning, as described above. Therefore, we suggest inserting the following language or similar:

" . . . Whereas shark finning in the Western Pacific occurs in and around the waters of Hawaii, among other U.S. Pacific holdings;

Whereas the indigenous Native Hawaiian people regard sharks highly as being culturally and spiritually important to their heritage;

Whereas wasteful use of a culturally significant animal such as the shark is offensive to Native Hawaiians; . . ."

The Council's Role

In an interview with a reporter during the WPRFMC meeting several months ago, Council Chair James D. Cook stated that environmentalists' concerns and native Hawaiians' cultural concerns should not influence decisions made by the Council on decisions about shark finning. OHA feels that Mr. Cook's culturally insensitive comment warrants attention and clarification about WPRFMC's position on cultural issues. Perhaps WPRFMC's duties and responsibilities towards indigenous peoples and their cultural/traditional fishing practices under the Magnuson-Stevens Act needs to be reassessed.

As the full name of the Magnuson-Stevens Act indicates, its objective is to conserve and manage fisheries. Moreover, the Act clearly places importance on cultural considerations. Section 104-297 of the Act states the following regarding community development programs:

" . . . the Western Pacific Council shall base such criteria on traditional fishing practices in or dependence on the fishery, the cultural and social framework relevant to the fishery, and economic barriers to access to the fishery," and

"Notwithstanding any other provision of this Act, the Western Pacific Council shall take into account traditional indigenous fishing practices in preparing any fishery management plan."

OHA feels that Mr. Cook's comment then begs the question of what the Council's priorities are in managing fisheries, and specifically if it is truly taking cultural considerations into account.

We hope that you will consider this need to scrutinize WPRFMC's priorities and culturally sensitive issues like shark finning when you introduce legislation to amend the Magnuson-Stevens Act later this year.

If we can be of further assistance, please do not hesitate to contact Sebastian Aloom, Ha-

waiian Rights Officer, or Nami Ohtomo, Natural Resources Policy Analyst, at 594-1755.

Sincerely,

RANDALL OGATA,
Administrator.

Mr. Speaker, I thank the gentleman from Minnesota (Mr. VENTO), the gentleman from New Jersey (Mr. SAXTON), the committee members, and the gentleman from Alaska (Mr. YOUNG) for expediting this to the floor.

Mr. UNDERWOOD. Mr. Speaker, I would like to thank the Resources Subcommittee Chairman JIM SAXTON and the Ranking Democrat Mr. FALEOMAVAEGA for their work on this resolution. Indeed, H. Con. Res. 189 is important because it has helped elevate the awareness of shark finning practices in the Pacific. I'm sure that many Americans have been moved, as I have, by television images showing workers aboard fishing vessels, both foreign and domestic, slicing off the fins of caught sharks and throwing the carcasses back into the ocean. It's easy to understand why we are moved by these pictures. They are very powerful and appeal to our sense of human decency and respect for "not wasting our kill."

The resolution before us however, does not take any comprehensive approach to end the practice of shark finning. Though it presents us with statistical data showing us the enormous increase of shark finning activity in the Pacific over the past eight years, it neglects to address the volume of U.S. imports which helps to support the demand for shark finning to occur. If we want this resolution to offer meaningful and substantive changes in the treatment of sharks, this resolution should address a ban on importation.

Moreover, the authority of the Western Pacific Regional Fishery Management Council—which is the federally recognized regional council responsible for developing management plans for fisheries for the exclusive economic zones of the State of Hawaii and the U.S. Pacific territories—will be usurped with the passage of this resolution. These regional councils are in place to develop sound and responsible fishery management plans while being mindful of the unique circumstances of the presiding region. I am concerned that passing this resolution sets a precedent which can call in to question the integrity and authority of all federally mandated regional fishery management councils in the U.S.

Mr. Speaker, the practice of shark finning is unfortunate. We should not, however, avert the authorities of regional councils in lieu of our unwillingness to address this issue in a comprehensive manner.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of House Concurrent Resolution 189, relating to the practice of shark finning.

There is no question that the practice is wasteful of a resource and should be discontinued. This issue has been on the agenda of the Western Pacific Regional Fishery Management Council (WESPAC), which is responsible for managing our Western Pacific fisheries resources. WESPAC has been studying this issue, and I encourage them to continue to do so in order to compile the necessary data to take definitive action. In that regard, I would note that the Council has requested additional funds from NMFS during the past three years to do so, and as evidenced by our endorsement of this resolution today, there is a critical

need for NMFS to comply with the request. I want to work closely with Representatives ENI FALEOMAVAEGA, JIM SAXTON, WAYNE GILCHRIST, GEORGE MILLER, DON YOUNG and the Appropriations Committee to make sure there is adequate federal support for the broad and extensive responsibilities for which WESPAC is charged. The fisheries of the Western Pacific economic zones for which WESPAC is responsible comprises approximately forty-eight percent of the entire area NMFS regulates, but WESPAC receives only twelve percent of the total funding all the commissions receive. We must make certain that we give the Commission the tools, resources and support they need in order to credibly discharge their formidable responsibilities.

Secondly, I would like to point out that even with enactment of this resolution or additional legislation amending the Magnuson-Stevens Act to ban shark finning, this is an international problem, and follow-up action must be initiated and undertaken in order to effectively end the practice internationally. Far more fins are unloaded in California ports, Hong Kong and other sites than in Hawaii, and the issue of transshipping of fins must also be addressed. If we are serious about ending finning, we need to act on several fronts.

By citing the waste inherent in finning, the resolution raises the issue of full utilization of the products harvested from sharks. Fins should not be the only part of animal used and we need to develop refined products and markets in order to more fully make good use of shark parts. The resolution cites the waste inherent in finning, and yet there is an implicit level of utilization in other marine products. For example, to what extent is taking solely roe from fish or sea urchins wasteful? NMFS should address these utilization issues as it undertakes regulatory actions impacting shark catches.

The last matter I would like to raise is that of compensation for lost income which will be sustained by Hawaii fishermen and industry. Shark fins generate significant revenue, and traditionally most of its goes directly to the crews of the fishing fleet. The resolution does not address lost compensation for crews, but I am pointing out the issue to indicate the complexity of the issue, and equity in addressing the economic consequences of fisheries regulatory decisions, based on precedents set by previous NMFS actions and decisions.

Again, Mr. Speaker, I urge adoption of the resolution, as well as addressing the underlying and associated issues it raises.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 189, as amended.

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

A motion to reconsider was laid on the table.

CLEAR CREEK DISTRIBUTION SYSTEM CONVEYANCE ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 862) to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District, as amended.

The Clerk read as follows:

H.R. 862

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clear Creek Distribution System Conveyance Act".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) DISTRICT.—The term "District" means the Clear Creek Community Services District, a California community services district located in Shasta County, California.

(3) AGREEMENT.—The term "Agreement" means Agreement No. 8-07-20-L6975 entitled "Agreement Between the United States and the Clear Creek Community Services District to Transfer Title to the Clear Creek Distribution System to the Clear Creek Community Services District".

(4) DISTRIBUTION SYSTEM.—The term "Distribution System" means all the right, title, and interest in and to the Clear Creek distribution system as defined in the Agreement.

SEC. 3. CONVEYANCE OF DISTRIBUTION SYSTEM.

In consideration of the District accepting the obligations of the Federal Government for the Distribution System, the Secretary shall convey the Distribution System to the District pursuant to the terms and conditions set forth in the Agreement.

SEC. 4. RELATIONSHIP TO EXISTING OPERATIONS.

Nothing in this Act shall be construed to authorize the District to construct any new facilities or to expand or otherwise change the use or operation of the Distribution System from its authorized purposes based upon historic and current use and operation. Effective upon transfer, if the District proposes to alter the use or operation of the Distribution System, then the District shall comply with all applicable laws and regulations governing such changes at that time.

SEC. 5. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

Conveyance of the Distribution System under this Act—

(1) shall not affect any of the provisions of the District's existing water service contract with the United States (contract number 14-06-200-489-IR3), as it may be amended or supplemented; and

(2) shall not deprive the District of any existing contractual or statutory entitlement to subsequent interim renewals of such contract or to renewal by entering into a long-term water service contract.

SEC. 6. LIABILITY.

Effective on the date of conveyance of the Distribution System under this Act, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the subject of Bureau of Reclamation facility transfers has been of particular interest to the Congress, local irrigation districts, and the administration in recent years. Facility transfers represented an effort to shrink the Federal government and shift the responsibilities for ownership into the hands of those who can more efficiently operate and maintain them.

Much of the momentum for these transfers comes from local irrigation districts that are seeking title to these projects. The Federal government holds title to more than 600 Bureau of Reclamation water projects throughout the West. A growing number of these projects are now paid out and operated and maintained by local irrigation districts. The districts seek to have the facilities transferred to them, since many of the districts now have the expertise needed to manage the systems and can do so more efficiently than the Federal government.

H.R. 862 transfers title of the Clear Creek distribution system in California to the Clear Creek Services District without affecting the underlying water services contract, and it relieves the Federal government of all liability for its role in owning and constructing the water distribution system.

This transfer should be supported for two reasons. In the case of the Clear Creek distribution system, the government will reduce its risk of future liabilities associated with the project due to faulty project design. The district has indicated that it is prepared to accept responsibility for the system.

Second, the district believes that it has the expertise and financial capability to manage this project more efficiently than the Federal government.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, this legislation directs the transfer of the Bureau of Reclamation water distribution system to the Clear Creek Community Services District in California. The transfer will be carried out pursuant to a cooperative agreement that has already been negotiated.

The Bureau of Reclamation has worked closely with local interests on this transfer proposal, and it is my understanding that the manager's amendment is acceptable to the administration. This legislation is noncontroversial. Mr. Speaker, I urge support of the legislation of the gentleman from California (Mr. HERGER), H.R. 862.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I yield 6 minutes to my friend and colleague, the gentleman from California (Mr. HERGER), in whose district this project is located.

Mr. HERGER. Mr. Speaker, I would like to thank the gentleman from California (Chairman DOOLITTLE) and the members and staff of the Subcommittee on Water and Power of the Committee on Resources for their hard work on this important piece of legislation.

I would also like to command and thank the Clear Creek Community Services District for their perseverance, cooperation, and patience in working with the Bureau of Reclamation and the subcommittee.

H.R. 862, the Clear Creek Distribution System Conveyance Act is a modest and noncontroversial measure that authorizes the Secretary of the Interior to convey title to the Clear Creek distribution system out of the hands of the United States and into the hands of the Clear Creek Community Service District.

The Clear Creek Community Services District is a local agency that provides water services for domestic and agricultural use to a large area of western Shasta County in the Northern California district I represent.

Clear Creek entered into a contractual relationship with the United States in 1963 for construction of the distribution system, as well as a long-term water services contract and a commitment to long-term repayment of the construction cost of the system.

The district commenced making payments on its repayment obligation starting in 1967. Thereafter, the district took full and complete responsibility for the administration, operation, maintenance, and repair of the system. Legal title to the system, however, remained in the name of the United States.

Now that the district's repayment obligation has been satisfied by the terms of its agreement with the Bureau, both the district and Bureau seek to have title to the federally-owned facilities transferred back to the district.

The district took advantage of the administration's title transfer program and negotiated the terms and conditions of an agreement whereby title to the distribution facilities would be transferred in a manner satisfactory to all concerned parties. This legislation will effectuate that agreement, and will bring title and authority over these facilities back to the 8,000 or so people who are served by them.

Although the district already carries out all aspects of the operation and maintenance of the system, transfer of title will allow the customers and water users in the district to be better served by more cost-effective and responsive administration of the facility.

Mr. Speaker, the Clear Creek title transfer is uncluttered by any adverse or controversial issues related to environmental impact, water allocation,

hazardous waste, Federal power, or endangered species. It has the full support of the Clear Creek Community Services District, the citizens, communities, and businesses served by the district, and the Bureau of Reclamation.

Further, it advances the objective of creating a government that works better and costs less by transferring these facilities to State and local units of government where they can be more efficiently managed.

I urge the Members to vote in favor of this noncontroversial proposal, which provides a definite win-win situation for all parties involved. I appreciate the opportunity to speak on its behalf.

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend and colleague, the gentleman from Guam (Mr. UNDERWOOD), for his help in this matter, and I urge an aye vote.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 862, as amended.

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

The title was amended so as to read:

"A bill to direct the Secretary of the Interior to implement the provisions of an agreement conveying title to a distribution system from the United States to the Clear Creek Community Services District."

A motion to reconsider was laid on the table.

SLY PARK UNIT CONVEYANCE ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 992) to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District, and for other purposes, as amended.

The Clerk read as follows:

H.R. 992

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

SECTION 1. DEFINITIONS.

For the purpose of this Act, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "Sly Park Unit" means the Sly Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and conduits and canals as authorized under the American River Act of October 14, 1949 (63 Stat. 853), including those used to convey, treat, and store water delivered from Sly Park, as well as all recreation facilities thereto; and

(3) "District" means the El Dorado Irrigation District.—

SEC. 2. TRANSFER OF SLY PARK UNIT.

(a) IN GENERAL.—The Secretary shall, as soon as practicable after date of enactment of this Act and in accordance with all applicable law, transfer all right, title, and interest in and to the Sly Park Unit to the District.

(b) SALE PRICE.—The Secretary is authorized to receive from the District \$2,000,000 to relieve payment obligations and extinguish the debt under contract number 14-06-200-949R2, and \$9,500,000 to relieve payment obligations and extinguish all debts associated with contracts numbered 14-06-200-7734, as amended by contracts numbered 14-06-200-4282A and 14-06-200-8536A. Notwithstanding the preceding sentence, the District shall continue to make payments required by section 3407(c) of Public Law 102-575 through year 2029.

(c) CREDIT REVENUE TO PROJECT REPAYMENT.—Upon payment authorized under subsection (b), the amount paid shall be credited toward repayment of capital costs of the Central Valley Project in an amount equal to the associated undiscounted obligation.

SEC. 3. FUTURE BENEFITS.

Upon payment, the Sly Park Unit shall no longer be a Federal reclamation project or a unit of the Central Valley Project, and the District shall not be entitled to receive any further reclamation benefits.

SEC. 4. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Sly Park Unit under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for more than 14 years the Sly Park Unit conveyance has been a legislative proposal before the Congress. It has passed both the House and Senate several times in various forms.

Today we have before us what I consider a fair proposal to all interested parties in the legislation. The Sly Park Unit in California was originally authorized under the American River Act of October 14, 1949. Since the project was completed in 1955, the district has operated and maintained the facilities.

Additionally, the district has played a major role in providing a safe, clean, and community-oriented recreation area that offers camping, boating, swimming, picnicking, and fishing.

Since I became the chairman of the Subcommittee on Water and Power, it has been my intent to pursue legislation to shrink the size and scope of the Federal government through the defederalization of these assets.

This defederalization should be done for two reasons. First, in the case of Sly Park, the unit will be completely paid for prior to conveyance.

Second, the district has demonstrated for more than four decades their expertise and financial capability in managing this project more efficiently than the Federal government.

During the 105th Congress two congressionally-initiated Bureau of Reclamation transfer bills were signed into law that directed the Secretary of the Interior to convey all right, title, and

interest to the United States in and to specified project facilities.

It is contemplated that the Sly Park Unit will be maintained and managed after the transfer so that there would be no significant changes in operation and maintenance or in land and water use in the reasonably foreseeable future.

Once transfer takes place, the future management of the facility will be the responsibility of the new owners, with any changes made pursuant to all then applicable laws. It is the committee's expectation that the completion of the conveyance should take no longer than 18 months from the date of enactment.

To accomplish this end, we have received assurances from the Bureau of Reclamation that they will complete as expeditiously as possible the requirements of the National Environmental Policy Act, or NEPA.

Furthermore, it is the committee's expectation that the district will cooperate with the Bureau of Reclamation in the environmental process and in the administrative tasks necessary to complete the transfer. If the conveyance is not completed within 18 months from the date of enactment, the Secretary can be expected to pay 100 percent of the costs of complying with the requirements of NEPA incurred as a direct result of executing this title transfer.

If the conveyance occurs within 18 months, the Bureau of Reclamation should be expected to pay up to 50 percent of the costs of complying with the requirements of NEPA incurred as a direct result of executing this title transfer.

Again, I would like to thank my colleagues, especially the gentleman from California (Mr. MILLER), and the Bureau of Reclamation for their work in assuring the passage of this important legislation. I would urge an aye vote on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, the committee has for more than a decade been considering various proposals to transfer ownership of the Sly Park Unit of the Central Valley Project. Many of the proposals we have seen have been so controversial that it has been impossible to secure passage of a bill.

We finally have a bill that resolves the most contentious issues, and the majority has worked with the administration to reach agreement on language that ensures the environmental review process will not be waived.

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The bill provides a financial solution that reflects agreement with the Office of Management and Budget. The man-

ager's amendment to H.R. 992 under consideration today no longer includes authority for the El Dorado Irrigation District to use tax exempt financing to pay off their remaining repayment obligations.

Under the bill as reported, Federal funds could be used to pay off this Federal debt. This inappropriate use of tax advantage funds municipal bond financing was opposed in dissenting views filed with the committee report, and it is appropriate that the offending language be removed from the bill.

Mr. Speaker, there have been significant and positive modifications to this legislation, and I understand that the administration now supports the bill, and we are prepared to support this legislation, H.R. 992, which is important for the gentleman from California (Mr. DOOLITTLE) in his district.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I, too, am pleased to confirm that the administration is now officially on record in support of this legislation. I urge an aye vote.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 992, as amended.

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

A motion to reconsider was laid on the table.

SOLANO WATER IMPOUNDMENT AND CONVEYANCE ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1235) to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

The Clerk read as follows:

H.R. 1235

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

SECTION 1. USE OF SOLANO PROJECT FACILITIES FOR NONPROJECT WATER.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to enter into contracts with the Solano County Water Agency, or any of its member unit contractors for water from the Solano Project, California, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using any facilities associated with the Solano Project, California; and

(2) the exchange of water among Solano Project contractors, for the purposes set forth in paragraph (1), using facilities associated with the Solano Project, California.

(b) LIMITATION.—The authorization under subsection (a) shall be limited to the use of that portion of the Solano Project facilities downstream of Mile 26 of the Putah South Canal (as that canal is depicted on the official maps of the Bureau of Reclamation), which is below the diversion points on the Putah South Canal utilized by the city of Fairfield for delivery of Solano Project water.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the city of Vallejo, California has tried to use its water supply facilities more efficiently, but has been limited by a provision in Federal law that prohibits the city from sharing space in an existing Federal water delivery canal. The city of Vallejo wants to wheel some of its drinking water through part of the canal serving California's Solano Project, a water project built by the Bureau of Reclamation in the 1950s. The city of Vallejo is prepared to pay any appropriate charges for the use of these facilities.

H.R. 1235 authorizes the Secretary of Interior to enter into contracts for the impounding, storage, and carriage of nonproject water using facilities associated with the Solano Project, California. In addition, any Warren Act contract affecting the Solano Project will be conducted with full compliance of all applicable environmental requirements.

I urge an aye vote on the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 1235 was introduced on March 23, 1999, by the gentleman from California (Mr. GEORGE MILLER). The gentleman from California (Mr. GEORGE MILLER), our friend and colleague, is, of course, the senior Democrat on the Committee on Resources; but he also represents California's 7th Congressional District, which includes the city of Vallejo; and, unfortunately, he is not able to be with us at this time.

The city of Vallejo has requested congressional approval of its proposal to use excess capacity in a Bureau of Reclamation project canal to move part of its raw municipal water supply to a new water treatment plant. Legislation must be enacted because a limitation in Federal law currently prohibits the city in sharing space in an existing Federal water delivery canal.

Once this legislation is enacted, Vallejo will be able to negotiate and sign a so-called Warren Act contract to

wheel some of its water supply from its Lake Curry storage reservoir through a specific and limited part of the Putah South Canal. In doing so, Vallejo will be able to keep its current water permit active.

The Putah South Canal serves the Solano Project, constructed by the Bureau of Reclamation in the 1950s. Vallejo's proposal has been carefully negotiated by the Solano Water Authority and other Solano Project water users, including the City of Fairfield. Vallejo is prepared to pay all appropriate charges for the use of this facility. There will be no cost to the U.S.

Many California water agencies are becoming much more accustomed to using various facilities, some of them Federal, some State, some private, to facilitate the movement and transfer of water more efficiently around the State. There are both State and Federal initiatives to encourage more efficient water use, and many of the various CALFED programs focus on improved water management.

H.R. 1235 is part of that ongoing effort to bring some flexibility into our water management policies while continuing to meet important statutory, fiscal, and environmental requirements.

Execution of a Warren Act contract to benefit the city of Vallejo will require full compliance with Federal and State and environmental laws and regulations. We want to assure that no damage is done to the steelhead fishery that is returning to Suisun Creek or to other resources.

The record of the committee's consideration of H.R. 1235 includes correspondence from the Bureau of Reclamation, clearly indicating that all environment compliance requirements must be met before execution of a Warren Act contract to benefit the city of Vallejo. Those include the requirements of the National Environmental Policy Act of 1969, the California Environmental Quality Act, the Endangered Species Act, State Fish and Game Department regulations, and all other environmental mandates.

Mr. Speaker, H.R. 1235 is important to the city of Vallejo, and this legislation is not controversial.

I wish to congratulate the gentleman from California (Mr. GEORGE MILLER) on this important piece of legislation and thank the chairman for his cooperation and collaboration on this legislation. I urge my colleagues to support H.R. 1235.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I urge an aye vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 1235.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bills just passed, H.R. 862, H.R. 992, and H.R. 1235.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1714) to facilitate the use of electronic records and signatures in interstate or foreign commerce, as amended.

The Clerk read as follows:

H.R. 1714

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Signatures in Global and National Commerce Act".

TITLE I—VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES FOR COMMERCE

SEC. 101. GENERAL RULE OF VALIDITY.

(a) GENERAL RULE.—With respect to any contract, agreement, or record entered into or provided in, or affecting, interstate or foreign commerce, notwithstanding any statute, regulation, or other rule of law, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied—

(1) on the ground that the contract, agreement, or record is not in writing if the contract, agreement, or record is an electronic record; or

(2) on the ground that the contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic signature.

(b) AUTONOMY OF PARTIES IN COMMERCE.—

(1) IN GENERAL.—With respect to any contract, agreement, or record entered into or provided in, or affecting, interstate or foreign commerce—

(A) the parties to such contract, agreement, or record may establish procedures or requirements regarding the use and acceptance of electronic records and electronic signatures acceptable to such parties;

(B) the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied because of the type or method of electronic record or electronic signature selected by the parties in establishing such procedures or requirements; and

(C) nothing in this section requires any party to use or accept electronic records or electronic signatures.

(2) CONSENT TO ELECTRONIC RECORDS.—Notwithstanding subsection (a) and paragraph (1) of this subsection—

(A) if a statute, regulation, or other rule of law requires that a record be provided or made available to a consumer in writing,

that requirement shall be satisfied by an electronic record if—

(i) the consumer has separately and affirmatively consented to the provision or availability of such record, or identified groups of records that include such record, as an electronic record; and

(ii) has not withdrawn such consent; and

(B) if such statute, regulation, or other rule of law requires that a record be retained, that requirement shall be satisfied if such record complies with the requirements of subparagraphs (A) and (B) of subsection (c)(1).

(c) RETENTION OF CONTRACTS, AGREEMENTS, AND RECORDS.—

(1) ACCURACY AND ACCESSIBILITY.—If a statute, regulation, or other rule of law requires that a contract, agreement, or record be in writing or be retained, that requirement is met by retaining an electronic record of the information in the contract, agreement, or record that—

(A) accurately reflects the information set forth in the contract, agreement, or record after it was first generated in its final form as an electronic record; and

(B) remains accessible, for the period required by such statute, regulation, or rule of law, for later reference, transmission, and printing.

(2) EXCEPTION.—A requirement to retain a contract, agreement, or record in accordance with paragraph (1) does not apply to any information whose sole purpose is to enable the contract, agreement, or record to be sent, communicated, or received.

(3) ORIGINALS.—If a statute, regulation, or other rule of law requires a contract, agreement, or record to be provided, available, or retained in its original form, or provides consequences if the contract, agreement, or record is not provided, available, or retained in its original form, that statute, regulation, or rule of law is satisfied by an electronic record that complies with paragraph (1).

(4) CHECKS.—If a statute, regulation, or other rule of law requires the retention of a check, that requirement is satisfied by retention of an electronic record of all the information on the front and back of the check in accordance with paragraph (1).

SEC. 102. AUTHORITY TO ALTER OR SUPERSEDE GENERAL RULE.

(a) PROCEDURE TO ALTER OR SUPERSEDE.—Except as provided in subsection (b), a State statute, regulation, or other rule of law may modify, limit, or supersede the provisions of section 101 if such statute, regulation, or rule of law—

(1)(A) constitutes an enactment or adoption of the Uniform Electronic Transactions Act as reported to the State legislatures by the National Conference of Commissioners on Uniform State Laws; or

(B) specifies the alternative procedures or requirements for the use or acceptance (or both) of electronic records or electronic signatures to establish the legal effect, validity, or enforceability of contracts, agreements, or records; and

(2) if enacted or adopted after the date of enactment of this Act, makes specific reference to this Act.

(b) LIMITATIONS ON ALTERATION OR SUPERSESSION.—A State statute, regulation, or other rule of law (including an insurance statute, regulation, or other rule of law), regardless of its date of enactment or adoption, that modifies, limits, or supersedes section 101 shall not be effective to the extent that such statute, regulation, or rule—

(1) discriminates in favor of or against a specific technology, process, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures;

(2) discriminates in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures;

(3) is based on procedures or requirements that are not specific or that are not publicly available; or

(4) is otherwise inconsistent with the provisions of this title.

(c) EXCEPTION.—Notwithstanding subsection (b), a State may, by statute, regulation, or rule of law enacted or adopted after the date of enactment of this Act, require specific notices to be provided or made available in writing if such notices are necessary for the protection of the safety or health of an individual consumer. A consumer may not, pursuant to section 101(b)(2), consent to the provision or availability of such notice solely as an electronic record.

SEC. 103. SPECIFIC EXCLUSIONS.

(a) EXCEPTED REQUIREMENTS.—The provisions of section 101 shall not apply to a contract, agreement, or record to the extent it is governed by—

(1) a statute, regulation, or other rule of law governing the creation and execution of wills, codicils, or testamentary trusts;

(2) a statute, regulation, or other rule of law governing adoption, divorce, or other matters of family law;

(3) the Uniform Commercial Code, as in effect in any State, other than sections 1-107 and 1-206 and Articles 2 and 2A;

(4) any requirement by a Federal regulatory agency or self-regulatory organization that records be filed or maintained in a specified standard or standards (including a specified format or formats), except that nothing in this paragraph relieves any Federal regulatory agency of its obligations under the Government Paperwork Elimination Act (title XVII of Public Law 105-277);

(5) the Uniform Anatomical Gift Act; or

(6) the Uniform Health-Care Decisions Act.

(b) ADDITIONAL EXCEPTIONS.—The provisions of section 101 shall not apply to—

(1) any contract, agreement, or record entered into between a party and a State agency if the State agency is not acting as a market participant in or affecting interstate commerce;

(2) court orders or notices, or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings; or

(3) any notice concerning—

(A) the cancellation or termination of utility services (including water, heat, and power);

(B) default, acceleration, repossession, foreclosure, or eviction, or the right to cure, under a credit agreement secured by, or a rental agreement for, a primary residence of an individual; or

(C) the cancellation or termination of health insurance or benefits or life insurance benefits (excluding annuities).

SEC. 104. STUDY.

(a) FOLLOWUP STUDY.—Within 5 years after the date of enactment of this Act, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall conduct an inquiry regarding any State statutes, regulations, or other rules of law enacted or adopted after such date of enactment pursuant to section 102(a), and the extent to which such statutes, regulations, and rules comply with section 102(b).

(b) REPORT.—The Secretary shall submit a report to the Congress regarding the results of such inquiry by the conclusion of such 5-year period.

SEC. 105. DEFINITIONS.

For purposes of this title:

(1) ELECTRONIC RECORD.—The term “electronic record” means a writing, document,

or other record created, stored, generated, received, or communicated by electronic means.

(2) ELECTRONIC SIGNATURE.—The term “electronic signature” means information or data in electronic form, attached to or logically associated with an electronic record, and executed or adopted by a person or an electronic agent of a person, with the intent to sign a contract, agreement, or record.

(3) ELECTRONIC.—The term “electronic” means of or relating to technology having electrical, digital, magnetic, optical, electromagnetic, or similar capabilities regardless of medium.

(4) ELECTRONIC AGENT.—The term “electronic agent” means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records in whole or in part without review by an individual at the time of the action or response.

(5) RECORD.—The term “record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(6) FEDERAL REGULATORY AGENCY.—The term “Federal regulatory agency” means an agency, as that term is defined in section 552(f) of title 5, United States Code, that is authorized by Federal law to impose requirements by rule, regulation, order, or other legal instrument.

(7) SELF-REGULATORY ORGANIZATION.—The term “self-regulatory organization” means an organization or entity that is not a Federal regulatory agency or a State, but that is under the supervision of a Federal regulatory agency and is authorized under Federal law to adopt and administer rules applicable to its members that are enforced by such organization or entity, by a Federal regulatory agency, or by another self-regulatory organization.

TITLE II—DEVELOPMENT AND ADOPTION OF ELECTRONIC SIGNATURE PRODUCTS AND SERVICES

SEC. 201. TREATMENT OF ELECTRONIC SIGNATURES IN INTERSTATE AND FOREIGN COMMERCE.

(a) INQUIRY REGARDING IMPEDIMENTS TO COMMERCE.—

(1) INQUIRIES REQUIRED.—Within 180 days after the date of the enactment of this Act, and biennially thereafter, the Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall complete an inquiry to—

(A) identify any domestic and foreign impediments to commerce in electronic signature products and services and the manners in which and extent to which such impediments inhibit the development of interstate and foreign commerce;

(B) identify constraints imposed by foreign nations or international organizations that constitute barriers to providers of electronic signature products or services; and

(C) identify the degree to which other nations and international organizations are complying with the principles in subsection (b)(2).

(2) SUBMISSION.—The Secretary shall submit a report to the Congress regarding the results of each such inquiry within 90 days after the conclusion of such inquiry. Such report shall include a description of the actions taken by the Secretary pursuant to subsection (b) of this section.

(b) PROMOTION OF ELECTRONIC SIGNATURES.—

(1) REQUIRED ACTIONS.—The Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall promote the acceptance and use, on an international basis, of electronic sig-

natures in accordance with the principles specified in paragraph (2) and in a manner consistent with section 101 of this Act. The Secretary of Commerce shall take all actions necessary in a manner consistent with such principles to eliminate or reduce, to the maximum extent possible, the impediments to commerce in electronic signatures, including those identified in the inquiries under subsection (a) for the purpose of facilitating the development of interstate and foreign commerce.

(2) PRINCIPLES.—The principles specified in this paragraph are the following:

(A) Free markets and self-regulation, rather than government standard-setting or rules, should govern the development and use of electronic records and electronic signatures.

(B) Neutrality and nondiscrimination should be observed among providers of and technologies for electronic records and electronic signatures.

(C) Parties to a transaction should be permitted to establish requirements regarding the use of electronic records and electronic signatures acceptable to such parties.

(D) Parties to a transaction—

(i) should be permitted to determine the appropriate authentication technologies and implementation models for their transactions, with assurance that those technologies and implementation models will be recognized and enforced; and

(ii) should have the opportunity to prove in court or other proceedings that their authentication approaches and their transactions are valid.

(E) Electronic records and electronic signatures in a form acceptable to the parties should not be denied legal effect, validity, or enforceability on the ground that they are not in writing.

(F) De jure or de facto imposition of standards on private industry through foreign adoption of regulations or policies with respect to electronic records and electronic signatures should be avoided.

(G) Paper-based obstacles to electronic transactions should be removed.

(c) CONSULTATION.—In conducting the activities required by this section, the Secretary shall consult with users and providers of electronic signature products and services and other interested persons.

(d) PRIVACY.—Nothing in this section shall be construed to require the Secretary or the Assistant Secretary to take any action that would adversely affect the privacy of consumers.

(e) DEFINITIONS.—As used in this section, the terms “electronic record” and “electronic signature” have the meanings provided in section 104 of the Electronic Signatures in Global and National Commerce Act.

TITLE III—USE OF ELECTRONIC RECORDS AND SIGNATURES UNDER FEDERAL SECURITIES LAW

SEC. 301. GENERAL VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES.

Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

“(h) REFERENCES TO WRITTEN RECORDS AND SIGNATURES.—

“(1) GENERAL VALIDITY OF ELECTRONIC RECORDS AND SIGNATURES.—Except as otherwise provided in this subsection—

“(A) if a contract, agreement, or record (as defined in subsection (a)(37)) is required by the securities laws or any rule or regulation thereunder (including a rule or regulation of a self-regulatory organization), and is required by Federal or State statute, regulation, or other rule of law to be in writing, the legal effect, validity, or enforceability of such contract, agreement, or record shall not

be denied on the ground that the contract, agreement, or record is not in writing if the contract, agreement, or record is an electronic record;

“(B) if a contract, agreement, or record is required by the securities laws or any rule or regulation thereunder (including a rule or regulation of a self-regulatory organization), and is required by Federal or State statute, regulation, or other rule of law to be signed, the legal effect, validity, or enforceability of such contract, agreement, or record shall not be denied on the ground that such contract, agreement, or record is not signed or is not affirmed by a signature if the contract, agreement, or record is signed or affirmed by an electronic signature; and

“(C) if a broker, dealer, transfer agent, investment adviser, or investment company enters into a contract or agreement with, or accepts a record from, a customer or other counterparty, such broker, dealer, transfer agent, investment adviser, or investment company may accept and rely upon an electronic signature on such contract, agreement, or record, and such electronic signature shall not be denied legal effect, validity, or enforceability because it is an electronic signature.

“(2) IMPLEMENTATION.—

“(A) REGULATIONS.—The Commission may prescribe such regulations as may be necessary to carry out this subsection consistent with the public interest and the protection of investors.

“(B) NONDISCRIMINATION.—The regulations prescribed by the Commission under subparagraph (A) shall not—

“(i) discriminate in favor of or against a specific technology, method, or technique of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures; or

“(ii) discriminate in favor of or against a specific type or size of entity engaged in the business of facilitating the use of electronic records or electronic signatures.

“(3) EXCEPTIONS.—Notwithstanding any other provision of this subsection—

“(A) the Commission, an appropriate regulatory agency, or a self-regulatory organization may require that records be filed or maintained in a specified standard or standards (including a specified format or formats) if the records are required to be submitted to the Commission, an appropriate regulatory agency, or a self-regulatory organization, respectively, or are required by the Commission, an appropriate regulatory agency, or a self-regulatory organization to be retained; and

“(B) the Commission may require that contracts, agreements, or records relating to purchases and sales, or establishing accounts for conducting purchases and sales, of penny stocks be manually signed, and may require such manual signatures with respect to transactions in similar securities if the Commission determines that such securities are susceptible to fraud and that such fraud would be deterred or prevented by requiring manual signatures.

“(4) RELATION TO OTHER LAW.—The provisions of this subsection apply in lieu of the provisions of title I of the Electronic Signatures in Global and National Commerce Act to a contract, agreement, or record (as defined in subsection (a)(37)) that is required by the securities laws.

“(5) SAVINGS PROVISION.—Nothing in this subsection applies to any rule or regulation under the securities laws (including a rule or regulation of a self-regulatory organization) that is in effect on the date of enactment of the Electronic Signatures in Global and National Commerce Act and that requires a contract, agreement, or record to be in writing, to be submitted or retained in original

form, or to be in a specified standard or standards (including a specified format or formats).

“(6) DEFINITIONS.—As used in this subsection:

“(A) ELECTRONIC RECORD.—The term ‘electronic record’ means a writing, document, or other record created, stored, generated, received, or communicated by electronic means.

“(B) ELECTRONIC SIGNATURE.—The term ‘electronic signature’ means information or data in electronic form, attached to or logically associated with an electronic record, and executed or adopted by a person or an electronic agent of a person, with the intent to sign a contract, agreement, or record.

“(C) ELECTRONIC.—The term ‘electronic’ means of or relating to technology having electrical, digital, magnetic, optical, electromagnetic, or similar capabilities regardless of medium.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill, H.R. 1714.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last year, the Committee on Commerce began an initiative to better understand the issues surrounding the Internet and electronic commerce. As part of this initiative, the committee held 11 hearings, focusing on a variety of electronic commerce issues.

One of the issues that was raised repeatedly at the hearings was the need to provide enforceability to electronic signatures and electronic records. This issue is really quite simple: Does an electronically signed contract formed over the Internet have the same legal validity as a paper contract with a handwritten signature? Do electronic records have the same legal effect as a paper record?

In most cases, the answer is either no or uncertain. The lack of legal certainty for electronic signatures and records has been cited for many in the e-commerce industry as a potential roadblock for the growth of electronic commerce. To address this issue, earlier this year I introduced H.R. 1714, the Electronic Signatures in Global and National Commerce Act, better known as E-SIGN.

The purpose of this legislation is to provide a uniform nationwide standard for electronic signatures and electronic records. It creates a minimum Federal standard to promote interstate commerce, but E-SIGN recognizes the efforts of States to enact their own uniform laws.

The bill we have before us today is the product of extensive research, careful examination of the issues, committee hearings and mark-ups, and extensive negotiations with our colleagues across the aisle and many other interested parties.

Finally, it is a recognition of a positive step that Congress can take to help electronic commerce and the new economy continue to grow.

Mr. Speaker, as many of my colleagues know, H.R. 1714 was first scheduled to be considered on the House floor 2 weeks ago. After discussions with the gentleman from Massachusetts (Mr. MARKEY), I asked that this bill be withdrawn from consideration so that we could continue negotiations with him and the gentleman from Michigan (Mr. DINGELL) over a number of outstanding issues.

The amended version of the bill as before us today is the product of lengthy negotiations with the Committee on Commerce minority and with the Committee on the Judiciary. As of the middle of last week, I believed that we had reached a substantive agreement on the text we are debating today.

Numerous changes were made to the text of the bill on a good-faith effort by me to address the legitimate concerns raised about the bill by some of our colleagues. These changes include adding a new opt-in provision to prevent consumers from being forced to use or accept electronic records. In addition, we added brand-new carve-outs prohibiting use of electronic records where those records are necessary for protection of a consumer's health, safety, and home.

Unfortunately, all of this hard work has fallen victim to partisan politics. The administration, after publicly supporting the need for electronic signature legislation, has decided that they must deny Congressional Republicans a victory on this important technology legislation.

It is my understanding that last week officials from the administration met with Members of the Democrat leadership in the House and persuaded some House Members to withdraw their support from H.R. 1714, despite the agreement we had reached and after many days of negotiations. This is a shame.

Since that time, many false and misleading charges have been made against H.R. 1714. The bill has come under attack by opponents of technology legislation who claim that H.R. 1714 would harm consumers. Mr. Speaker, these claims are absolutely false. The consumer provisions contained in H.R. 1714 keep in place all existing consumer protection laws and fully protect consumers.

Mr. Speaker, it is unfortunate that such an important technology bill has come under attack. If we want the Internet and electronic commerce to continue to grow, we must pass H.R. 1714 providing the much needed legal

certainty to electronic signatures and records.

H.R. 1714 is one of the most important high technology votes that this Congress will undertake. If my colleagues support the U.S. high-tech industry, they will vote yes on this bill.

A vote in support of H.R. 1714 is a vote in support of providing consumers with greater security and on-line transactions. It is a vote in support of allowing businesses to provide new and innovative services online.

I urge all of my colleagues to reject baseless charges against the bill and support H.R. 1714.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I would just like to say that there really is not a gulf that exists between Democrats and Republicans over our support for electronic commerce. That is clearly something that the Committee on Commerce has been working on for the last 15 years. Every single bill has been able to be produced with near unanimity. It is clearly a tribute to our committee that we have been able to work together in that fashion.

At the full committee level, we worked closely with the majority on a bill that dealt with electronic signatures; and we really worked together in a very bipartisan fashion. Since the full committee, the whole notion of the bill has been broadened out to include records as well, another issue area that is quite complex but resolvable and one in which I thought that we had made enormous progress. In fact, I know we had made enormous progress through the end of last week.

It was clearly our intent to have worked with the majority to, once again, demonstrate our ability to work in a bipartisan fashion in this area. It was our hope that, at the end of the day, that would be the case.

I commend the gentleman from Virginia (Chairman BLILEY) for including a provision allowing consumers to decide whether to opt in to receive contractual documents in electronic form. This opt-in provision goes a long way towards ensuring that consumers do not unwittingly forgo existing protections under State and Federal law.

However, there were other issues that are also in play that include what kind of notice, whether it be conspicuous or otherwise, that consumers are entitled to under existing laws to receive these documents in writing.

So, again, we are quite regretful on this side because we clearly would like to support a piece of legislation that advances these goals and could be passed on a bipartisan near-unanimous vote out here on the floor. But at this point I have to regretfully ask the Members to vote no.

Mr. Speaker, I reserve the balance of my time.

□ 1515

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. OXLEY), chairman of the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce.

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of H.R. 1714, the Electronic Signatures in Global and National Commerce Act.

Commerce on the Internet is projected to grow exponentially to hundreds of billions of dollars in transactions in just a few years. Because the access to financial information has improved dramatically, the Internet poses significant opportunities for more Americans to become directly involved in the capital markets.

The Subcommittee on Finance and Hazardous Materials, which I chair, held hearings on this bill and passed it through subcommittee unanimously. This bill will provide a critical cornerstone for the electronic financial transactions in the next century.

The securities industry has responded to the new world of e-commerce with a proliferation of on-line trading brokers. Today, millions of Americans trade securities and manage their investments on-line. The cost savings to investors are significant. Full service brokerage can cost as much as \$400 per trade. On-line brokerage costs less than \$10 per trade at many firms.

The law needs to keep up with this significant technological development. H.R. 1714 brings legal certainty to electronic transactions. The legislation states that contracts shall not be deemed invalid because they are entered into electronically rather than the old-fashioned way, by handwritten signature.

One goal of this legislation is to allow customers to open accounts on line without mandating a physical signature on a brokerage agreement and mailing it back to the broker. Title III of this legislation modernizes securities laws by providing that requirements for a writing can be satisfied by an electronic signature with just a click of a button.

The legislation does not endorse any particular electronic authentication technology. We think that the market is the best place to decide that.

I want to commend the gentleman from Virginia (Mr. BLILEY) for his vision and introducing this critical legislation that will benefit the future of American economy. This is not just a bill that will benefit the American companies that develop new technology, it will also help American businesses, large and small, that use technology to develop and grow their business and provide new and innovative service to consumers.

Mr. Speaker, I urge Members to support this sound and worthwhile legislation, one of the key pieces of technology legislation this Congress will consider.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me this time, and I, without equivocation, rise in strong opposition to this legislation.

I obviously understand the problem that the committee was trying to solve and the necessity to deal with electronic or e-commerce, and to try to provide the legal framework which would be workable for such transactions to go forward. That is an imperative that needs to be addressed in terms of this Congress and I am sure in subsequent Congresses. The fact of the matter is, though, that this bill, while being dealt with in the Committee on Commerce in the House and the Committee on the Judiciary, there was a reluctance to in fact provide the Committee on Banking and Financial Services with an opportunity to look at the legislation.

That in and of itself would be understandable if in fact the issues dealt with, in regards to consumer and consumer safeguards, were in fact properly dealt with in this legislation. This is not a jurisdictional fight on my part. In fact, I was quite surprised to see this bill on the calendar a couple of weeks ago. My impression was that it was a very narrow bill that dealt with some transactions and tried to, in fact, provide legal sanctity to an electronic signature, which, as I said, makes some sense. But in the process of going forward and reviewing the bill more closely, my recognition and understanding of this bill grew that it encompasses much more than simply an electronic signature.

In fact, this legislation would undermine some of the fundamental consumer laws that we have that relate to financial institutions and agreements, such as truth in lending, so an individual knows what his proper amount of interest is, and he would receive detailed information. They could opt for that electronically and, thereafter, that would be sufficient. Provided that that consumer did not make any other choice under this bill, they would never receive this as a paper document, in fact, it would only be an electronic record.

There are all sorts of problems that could go down. The assumption here is that someone is going to have a computer and be on the Internet forever; that the format is not going to change; that the printer works; that there is paper in the printer. There are many other assumptions that simply do not fit in terms of what the consequence would be with regards to consumers.

I have already mentioned truth in lending. The Real Estate Sales Practices Act, RESPA law is another one, the Real Estate Sales Practices Act, where an individual gets a preliminary set of documents that estimates what the costs are going to be for closing when a home is purchased, and then a

final set of documents at that closing. Again, this paperwork is absolutely paramount for people to understand some of the most important transactions that they become involved with with regards to their financial affairs.

I note that there are some provisions in the law that are accepted, and some opportunity for States to step in after this bill is enacted, provided they pass a whole series of legislation or laws that address specifically some of the concerns that they now have in force and effect as State laws. The consequence, of course, is all subjected to the fact that any interpretation of differences between having things on paper or having an electronic form could be subject to and considered discrimination under the Federal law that is being written and proposed on this floor today; so that this State reservation is much depreciated if in fact it exists at all under this measure.

So the consequences may very well be, in some cases, meaningless under that interpretation of the law. Furthermore, of course, the States themselves, the National Conference of State Legislatures, the Office of State-Federal Relations, has issued a strong objection to this bill; that it preempts State consumer protections in contract law, just as I feel it preempts and does not treat properly some of the Federal laws that occur with regards to truth in lending and RESPA and many other laws that are in force and effect that represent safeguards and information and it is imperative that consumers have such information.

Of course, the out here is that consumers may in fact "opt out," or "opt in" to suggest that they do not want this information in a paper form. But I would suggest to my colleagues that the relationship between a financial institution granting a loan, granting a mortgage, and that of a consumer is not exactly equal. That is to say when I go in for a loan, I am trying to keep that banker happy so that he would make that loan to me. I think it is pretty well understood that in order to do that, we want to make it as convenient for the banker and perhaps for ourselves at that moment. But that moment of convenience may well result in a lack of understanding with regards to what the consequences and the costs of these transactions would be to those individual consumers.

And, of course, throughout this there is this ability of the individual to waive his or her rights with regards to paper transactions and records in this measure. No paper record, no documentation, I think that that is folly. I think it is a big mistake.

I think that based on where we are at today, with the administration being opposed to this bill, many, many consumer groups voicing their opposition to it, including the National Consumer Law Center, the Consumer Federation of America, groups like the United Auto Workers, Consumer Union, Consumer Action, U.S. PIRG, the National

Conference of State Legislatures, as I mentioned, the National Center on Poverty Law, and many others opposed to this, I think to bring a bill up like this on suspension is to make, in a sense, a mockery of the importance of the subject matter and the ability of Members to shape and form legislation of this import to the American consumer and to our constituents.

Mr. Speaker, I thank the gentleman for his generous yielding of time to me, and I urge opposition to this bill.

Mr. BLILEY. How much time do I have left, Mr. Speaker?

The SPEAKER pro tempore (Mr. PETRI). The gentleman from Virginia (Mr. BLILEY) has 13 minutes remaining.

Mr. BLILEY. Mr. Speaker, I yield 5 minutes to the gentleman from Northern Virginia (Mr. DAVIS), the original cosponsor of the bill.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to voice my strong support for H.R. 1714. As an original cosponsor, I am pleased to stand here today with my colleague, the gentleman from Virginia (Mr. BLILEY), to urge my colleagues to vote in favor of legislation that I think is the critical first step in reconciling our legal system with modern day technology. The E-SIGN bill is essential to fostering the continued growth of electronic commerce that is propelling America's economy and our prosperity in the Information Age.

Electronic commerce has been growing at a tremendous pace, with the number of Americans with access to the Internet increasing nearly 900 percent since early 1993. In 1998, electronic commerce generated more than \$300 billion in U.S. revenue and was responsible for over 1.2 billion jobs as of 1998. One estimate places the dollar volume of business-to-business electronic commerce in 1998 at \$27.4 billion, and the projected volume for 1999 is \$64.8 billion. Those numbers are expected to quadruple in the next 2 years alone. Consumer on-line sales have reached more than \$7 billion this year and are expected to exceed \$40 billion by 2002. If the trend continues, it is likely these predictions are conservative.

The need for legal certainty and uniformity of laws is compelling if we are to encourage the continued growth of electronic commerce. One of the biggest barriers to the explosion of electronic commerce as the marketplace of the 21st century is the lack of certainty surrounding the legal acceptance of electronic signatures used in conducting on-line contracts or agreements. With the Internet as the communications network of the future, increasing its use depends on developing and retaining consumer and business confidence in this unique problem.

Although 44 States have already enacted legislation that would recognize digital signatures, the differences among these States and the lack of legislation in others are an impediment to

the growth of e-commerce because many parties are unwilling to risk entering into contracts on line without the certainty that those signatures are legally binding nationally. H.R. 1714 establishes a single standard for the acceptance of electronic signatures and records and will give both businesses and consumers the same confidence in the legal validity of an on-line agreement that they have today in a written, binding agreement signed by two or more contracting parties.

Another critical feature of this legislation is the balance it strikes between encouraging growth in electronic commerce and minimizing the role that the Federal Government plays in the marketplace. In addition to the gap this measure fills in establishing a uniform standard, what is equally important is that this legislation does not entrench specific electronic signature technologies by dictating what methods will be used for verifying and validating digital signatures and records. Instead, the E-SIGN bill allows the parties to set their own procedures for using electronic signatures and electronic records in interstate commerce. As a result, when the future brings new technologies it will be the marketplace, not government regulations, that drives the development of those that succeed.

A vote for this legislation is a vote for technology and a vote for ensuring the evolution of Internet commerce and the vitality of the American economy. For this reason, I urge my colleagues to support the legislation.

Mr. Speaker, I want to take a second, if I can, to respond to some of the charges coming from the other side that this legislation contains anti-consumer provisions.

I have heard that this preempts existing consumer protection laws; I have heard that this legislation will force consumers into electronic transactions; I have heard this will discriminate against consumers that do not have computer access. These claims are false.

First, consumers are absolutely free to choose or not choose to enter into electronic transactions. This bill clearly states that nothing requires any party to use or accept electronic records or electronic signatures. This bill simply offers consumers the option, by mutual consent, to use electronic transactions should both parties determine that to be their preference.

If a consumer does choose to conduct an on-line transaction, that consumer is protected by the underlying Federal or State laws governing that transaction. If a State law requires that a notice or disclosure be made in writing, then those traditional writings must continue to be delivered from the consumer. Nothing in this bill will nullify such existing State consumer protection laws.

For example, if a law requires that a consumer be provided a copy of a warranty when purchasing an appliance,

that consumer has to receive a copy of that warranty, whether that consumer is at a shopping mall or on line. This bill does absolutely nothing to alter this long-established principle.

However, before a consumer can receive an electronic copy of a warranty, a consumer has to separately and affirmatively consent to receive that document electronically. That is, a consumer specifically must approve of receiving electronic documents in that portion of a contract or agreement, telling the consumer that documents he or she should receive electronically may not be buried in the fine print.

□ 1530

If the consumer wants to receive a traditional paper warranty, he is absolutely entitled to under this rule and under this bill. But if a consumer consents to receive such documents electronically, as I think many of my constituents would like to do, that does not mean that they may never return to receiving paper documents should they so wish. A consumer could withdraw the consent to electronic documents at any time.

There are two main subsections in the consent portion of the bill that explicitly constitute a consumers assent in the bill. One of these critical subsections mandates that once the consumer withdraws his consent to receive documents electronically, the materials must be delivered in the traditional paper writing.

Finally, H.R. 1714 requires that electronically delivered documents must accurately reflect the information agreed to at the time of the transaction. In addition, any electronic copy of a contract or document must be able to be printed or saved for future use by a consumer.

In sum, the allegations that H.R. 1714 contains anti-consumer ideas are unfounded. We have worked very hard throughout the process to reach consensus with both sides of the aisle and are confident that this bill represents a solid balance between protecting consumers and entering into agreements in the electronic arena.

Mr. Speaker, it is vitally important for consumers to have safety, security and privacy in their online transactions. If consumers do not feel comfortable using this new technology, they will abandon it.

I believe that the consumer provisions of H.R. 1714 will help consumers to feel comfortable when conducting online transactions. They will have the information they need to make an informed decision, and they will have the right to accept, if they so choose, important documentation in electronic format.

I urge all of my colleagues to support this important legislation that will help to promote the growth of electronic commerce and at the same time protect consumers in online transactions.

Mr. MARKEY. Mr. Speaker, I would inquire of the Chair how much time is remaining on either side.

The SPEAKER pro tempore (Mr. PETRI). The gentlemen have 11½ minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to include for the RECORD the Statement of

Administration Policy on this bill. They oppose it in specific particulars, and I would like at this point for it to be included in the RECORD.

H.R. 1714.—ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

The Administration strongly opposes House passage of the revised version of H.R. 1714, the "Electronic Signatures in Global and National Commerce Act." The Administration believes that electronic commerce can provide substantial benefits to consumers, and seeks to foster the expansion of this medium. Secure electronic signatures can play an important role in this area, and the Administration supports their development and dissemination. However, the Administration also believes strongly that individuals should have no fewer consumer protections in the on-line world than they do in other forms of commerce. That disparity could undermine consumer confidence in electronic commerce, and impede the growth of this important new medium of trade. While some improvements have been made, H.R. 1714 still goes well beyond what is necessary to facilitate electronic commerce, and unnecessarily deprives consumers of important protections.

The Administration believes that Federal legislation is appropriate to ensure the validity of electronic agreements entered into by private parties under State law before the States have an opportunity to enact the Uniform Transactions Act (UETA). We therefore support the bill's provisions affirming the legal validity of contracts that are memorialized and signed in electronic form.

The Administration also believes, as noted, that consumers must be granted the same protections on-line that they currently receive off-line under existing laws and regulations. Unfortunately, many Americans today do not enjoy reliable and regular access to the Internet. To ensure that an electronic disclosure will have the same impact upon consumers on-line as paper disclosure has now, regulators must have the authority to make sure that electronic notices and disclosures will actually reach and be understood and retained by consumers. H.R. 1714 also would allow businesses to condition credit or other services on a consumers' consent to notices or disclosures—even when the consumer is incapable of receiving or retaining them. The Administration strongly objects to this bill on several grounds.

First, the bill purports to protect consumers by requiring them to "separately and affirmatively" consent to the use of electronic records. Unfortunately, this provision requires just an additional paragraph of small print in the form contract prepared by a business. The notice to the consumer need not be conspicuous, the consumer need not be told of his or her right to obtain information in the form required by law, and the consumer need not be told which specific records would be affected. More fundamentally, these current law notice and disclosure requirements were created to protect vulnerable consumers allowing businesses to redefine the protections based on "consent"—something that businesses may not do with respect to paper transactions—is thus an open invitation to consumer deception on a broad scale.

Second, the scope of the bill's preemption is unjustifiably broad. Neither the States nor Federal regulators will have any ability to eliminate the abuses that may occur when electronic records are used. With respect to Federal regulators, the bill by its terms eliminates all such authority. With respect to the States, the bill's grant of authority is illusory because it prohibits (in section 102(b)(4)) any State action inconsistent with

the bill's provisions, leaving the States powerless to curb any abuse that the bill itself fails to prevent.

Third, the bill overrides all Federal and State laws or regulations concerning notices necessary for the protection of safety, shelter or health (there is a narrow exception for notices relating to the termination of utility services, eviction or foreclosure of a primary residence, or the termination of health or life insurance). Although the States are permitted to reinstate such regulations, the bill creates a gap in protection—in the critical area of safety and health—for the several years that inevitably will elapse before these rules can be reenacted. Federal agencies have no power to reinstate any Federal notice and disclosure requirements needed to protect health, safety, or shelter.

Fourth, the bill recognizes the importance of preserving Federal regulations by requiring certain entities (including banks and other financial institutions) to file or maintain records in a specified form, but fails to ensure that regulators' safety and soundness authority will continue to allow the establishment of minimum standards for computer security and interoperability. The bill also preempts all State laws and regulations regarding the maintenance of records. As a result, entities regulated under state law, such as insurance companies, will be able to decide for themselves how to maintain information, thereby undermining regulators' ability to ensure the soundness of these institutions and to detect violations of the laws and regulations governing them.

Fifth, the bill contains a provision (adding section 3(h)(1) to the Securities Exchange Act of 1934) that appears to preempt State and Federal record and signature requirements, including those applicable to forms required under Federal and State tax laws and regulatory statutes such as ERISA (existing Federal securities law requirements are exempted from this broad waiver). This means that the securities industry would have the right to force Federal and State agencies to accept electronically signed documents immediately, even if, for example, the agency has not yet implemented an electronic filing system. Title I of H.R. 1714 appears to preserve filing requirements in Federal regulations (but not statutes) and in State laws, and we see no justification for establishing a special preferential rule for the securities industry.

Finally, the bill contains other technical and drafting flaws likely to create the very confusion that it is supposed to eliminate.

Mr. Speaker, this is a very interesting point that we have reached in the history of electronic commerce. We, in negotiating in good faith over the last month, had reached a point where most of the good players, most of the honest business people in the electronic commerce world had signed off or were close to signing off on protections for consumers.

Most of them know, all of the good business people know, that the continued growth of electronic commerce is not contingent upon the ability of businesses online to be able to perpetrate fraud on consumers. They know that.

There are some, of course, that like to hide in cyberspace, like to disappear into this veil of spectrum or fiber optic that makes it very difficult for the legal authorities to be able to track them down when they have harmed consumers. And it is at those particular entities that we would be targeting any consumer protections.

But again, let it be known that we had reached pretty near agreement with most of the major players in the industry across the board on these consumer protections. And that is really all it was, it is to create the same kind of a balance in cyberspace that exists in the real world, the same kind of comfort level that people would have to go online with their money, with their credit card to know that they would be paid respect by merchants online in terms of the notification, the records, the confidence that an individual could have.

My hope is that, as we move forward, we will be able to work with the majority once again and with the outside parties towards establishing that balance.

I am afraid that the administration is today indicating that they would be likely not to support, even to veto, this legislation in its present form.

I would prefer to be negotiating without the administration around. We do it on a bipartisan basis. We produce legislation. Hopefully, that is the way in which the bill will proceed from this point on.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Utah (Mr. Cannon).

Mr. CANNON. Mr. Speaker, I rise today in support of H.R. 1714, the Electronic Signatures in Global and National Commerce Act. I commend the gentleman from Virginia (Chairman BLILEY) for his work on this important legislation.

There are still differing opinions between various camps and committees, but I commend the chairman and the House leadership for bringing this legislation to the floor.

Mr. Speaker, electronic commerce is expanding exponentially. The Commerce Department recently estimated that retail sales might exceed \$40 billion by the year 2002 and that all electronic commerce, including business-to-business activity, may exceed \$1.3 trillion in the next couple of years.

This legislation embraces the model State law called the Uniform Electronic Transactions Act, UETA for short. Until all 50 States can act to approve UETA, parallel Federal legislation must be adopted to fill the commercial gap. It must be possible to sign an agreement electronically with the confidence which has historically been given to handwritten signature.

UETA and H.R. 1714 embrace the same principles: first, uniformity across State lines in order to provide for reliability and predictability on the part of businesses and consumers alike; second, technological neutrality to allow for the development of new and more efficient and less costly delivery systems; third, party autonomy so that the parties to agreements can decide between themselves how they wish to verify or enforce electronic agreements just as they now do with traditional commercial settings.

Mr. Speaker, H.R. 1714 is minimalist in its effects and merely provides for the legal validity of electronic signatures under conditions as agreed to by the parties and permitted under State law.

I urge my colleagues to support this legislation.

Mr. MARKEY. Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished gentleman from Virginia for yielding me the time.

Mr. Speaker, I want to say to my very good friends from Massachusetts and Minnesota that I know their hearts are in the right place and they want to do what they consider to be the right thing for consumers. But I rise in support of this bill.

A number of things have to be underscored. For one, the signature is only valid if it is done by mutual consent. Both parties have to agree. Number two, there is legal recourse in the event of any kind of fraudulent action. Number three, we have all the accountability that we have really under hardcover signatures. Number four, it is already being done.

So the real question is, do we act now ahead of the curve, or do we wait and play catch up just as we did with financial services modernization, which came more than 10 years after the entire financial services industry had already modernized.

I remember when I was on the Committee on Banking and Financial Services a decade ago looking at the possibility for modernizing the financial services industry. We knew it was going to happen anyway and we should try to influence the process on the side of consumers.

But, no, what we have done over the last 10 years is to stand in the way of what was considered modernization, and so the industry modernized itself. And now we finally have a financial services modernization bill after the fact. And that is what is going to happen with digitalized signatures. We can stay by the sidelines, watch it happen, and then after the fact ratify it as though we played a role. I think we could play a constructive role at the beginning by authorizing this legislation now.

The fact is that we have now more than half of the households in every metropolitan area that are online. In Northern Virginia 60 percent of all the households are online. They are doing these transactions. They ought to be. They are legal. We ought to ratify it. We ought to be really in front instead of behind the curve. And that is why I support the bill.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I hope both the gentleman from Virginia (Mr.

BLILEY) and the gentleman from Virginia (Mr. MORAN) who just spoke will listen.

This is a remarkable exercise. We have been discussing with our good friends on the majority side to find out what was in the legislation on Friday. We thought we were very close to an understanding.

We find today that the bill has been changed. We find that it is quite different than it was the other day. We find that consumer protections have been removed, reduced without any consultation with the minority.

This is most curious. I am not sure whether it can be called good faith or not. Normally I would not. I can understand the gentleman being enthused because perhaps he has constituents who likes this. But I happen to like the truth, and I happen to like fair dealing and I like to know what I am doing.

If the gentleman knows what he is doing, then he should by all means support this. He does not, and I do not. And I am not convinced that the majority knows.

I am convinced of one thing, that it is bad practice and it does not comport with the traditions of the House of Representatives to negotiate, come to general understandings, and then to repudiate those understandings by changing without discussion with the other side. That is what has happened here.

There is not such enormous haste that we have to vote for something on a suspension of the rules when we had seen the arrangements made changed; when we have seen consumer protections eroded, eradicated, and reduced; and when we have seen a situation where we are told, take it or leave it, fellows, they have got a two-thirds vote, and they cannot have any opportunity to make any changes in the content of the legislation.

That is the issue before us. The issue is should we support the majority in this high-handed fashion or should we proceed to say, fellows, we will go for this and we will work together on a piece of legislation which, in fact, reflects honest negotiation on a matter in which the two sides are generally in agreement.

My consult to my colleagues on this side of the aisle, Democratic Members, and indeed to my friends on the other side is let us take enough time to, first of all, know what we are doing. Second of all, let us take enough time to deal fairly with each other. Third of all, if we are going to go ahead and do something which involves significant legislative action, let us deal fairly with the consuming public. None of those things have been done here.

Now, I do not know whether this is haste or whether it is bad faith. I do know that this does not reflect the kind of behavior that I always thought the House of Representatives should practice. And I do not think that this represents the kind of conduct that reflects well on this body or on the majority side.

I am certainly happy to conclude this matter in an honorable and a proper fashion. I have to say that the way in which this is handled does not give evidence of that kind of behavior.

We do not know what is in this legislation. The majority of the Members who are on that side do not know what is in the legislation. It is not because we have not worked diligently with the majority, but it is simply because the majority has chosen in midstride to change the way the legislation is done.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished gentleman for yielding to me so that I can explain to him that I have no contributor who has ever asked me to support this legislation, just to clarify for the RECORD in response to your earlier implication.

Mr. DINGELL. Mr. Speaker, reclaiming my time, I am not talking about that.

Now if the gentleman could tell me he knows what he is doing, I will be quite comforted in his assertions to the body.

The simple fact of the matter is this is not the kind of practice that reflects credit on the House of Representatives.

I am urging my colleagues on this side to reject this legislation. We will be happy to negotiate with our friends on the Republican side and come to some conclusion. But negotiation does not mean bringing this thing up in this kind of haste, not without anyone having proper notice, without anybody having proper understanding, and with proceedings, which have gone on somewhere, where the matter has been changed so that it does not reflect the negotiations which were going on earlier.

Now, it may be the Republicans are in desperate haste to get out of here. That is just possible. Frankly, if I were doing the kind of job they are doing, I would be in desperate haste to get out of here, too, because I know there are people back home just wanting me to explain to them just what in the name of common sense I had been doing in Washington while I was supposedly representing their interests.

In a nutshell, this matter should be rejected. We have time enough to come back and consider it under more favorable circumstances and under a process that reflects more credit on the House.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. CONYERS), the ranking Democrat on the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I would like to join in the comments of the gentleman from Michigan (Mr. DINGELL), the dean of the House of this body.

Of course we would all like to see passage of an e-commerce bill that would promote commercial trans-

actions over the Internet. But an e-commerce bill should not be a grab bag for insurance, financial, or other special interests to hurt consumers. I think that is the underlying discussion that has been developed here today.

It should not be a vehicle for Congress to tell the States that all of a sudden they are unable to enact contract law on their own in the area of e-commerce. Consumer laws requiring notice and disclosure in writing are being undermined.

This measure would allow unsavory merchants to trick consumers into clicking away many of their rights under the laws.

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The measure, H.R. 1714, stands for the proposition that States are unable to enact their own laws and may not reinstate many additional consumer protections. It further undermines key Federal and State regulatory requirements to prevent fraud and abuse. And so an e-commerce that would be a win-win situation for all, that should make it easier for consumers to buy goods and services more quickly from a broader group of businesses and should allow businesses new methods of reaching more people, doing all these things, frankly, is not a hard bill to write.

But the bill that the Commerce majority seeks to put on the floor at this time is not such a bill. Rather than a carefully drawn bill that balances the equities, the bill unnecessarily undermines key laws that protect consumers and prevent fraud, all to please the special interests.

Join me in a negative vote on this measure.

Mr. MARKEY. Mr. Speaker, I yield 45 seconds to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me this time.

I just wanted to point out to my colleague from Virginia when he commented that States can come back and reenact all these laws that are in fact set aside by this measure, that in fact there are provisions in the bill that deal with discrimination and other factors which are screens which may well prevent States from reasserting such requirements and printed documentation.

I would just point out that there is no assurance in this bill that the consumer who even has a computer is on the Internet. Once you send a message out on the Internet like a car warranty recall, the fact is, for brakes or some other major problem, you have no way of knowing whether or not that in fact that has been received by an adult or even the household intended. We know, today, they find us when we have recalls on the automobiles and that is an important factor and points out the practical unworkable aspect of this bill's policy. These are just some of the many, many problems that have not been thought through with this bill. I

think it is improper to consider this in this particular suspension format. If we do not understand all aspects of it, that is because it has been a moving target for the last 2 weeks as my colleagues well know. It deserves richly to be defeated today, Mr. Speaker.

Mr. MARKEY. Mr. Speaker, I yield myself the balance of my time.

I do so again to urge my colleagues reluctantly to oppose this bill. It does not have the balance which it needs in order to ensure that while we advance the electronic commerce revolution which is transforming the American economy, that simultaneously we are able to deal with the sinister side of cyberspace, we are able to deal with those that would engage in the same kind of anticonsumer activity that we have passed laws in our country over the last 30 years to protect against in the real world. And so the recommendation that we have to give is to vote "no" on this bill at this time but with the promise that we are going to work on a bipartisan basis to work out something which is deserving of the support of every Member of the House.

Mr. BLILEY. Mr. Speaker, I yield myself the balance of my time.

First I would like to say I am sorry the gentleman from Michigan is not on the floor, but we pulled this bill 2 weeks ago in order to work with the gentleman from Massachusetts and the gentleman from Michigan. The changes that were made in the bill were made to accommodate their concerns. I thought on Friday that we had pretty much agreement. However, the White House came down and met with the minority leader, and the ranking member then announced that he could not support the bill. But to say that we have not worked in good faith is a gross misrepresentation. We have done everything we could to work. But we only have a few days left in this session and we wanted to get this bill moving.

I cannot understand why the White House would come down and object at this time. The bill has not passed over in the Senate. Then we have got to go to conference. There is plenty of time to work out any concerns that they might have.

But let me also point out the supporters of this legislation: The Business Software Alliance, the Securities Industry Association, the American Council of Life Insurers, Information Technology Association of America, Information Technology Industry Council, Telecommunications Industry Association, National Retail Federation, National Association of Manufacturers, Charles Schwab and Company, DLJ Direct, Investment Company Institute, America Online, Microsoft, Ford Motor Credit, IBM, EquiFax, the U.S. Chamber of Commerce, and I might add they have targeted this vote, and a host of others. It is purely voluntary as my good friend and original cosponsor the gentleman from Virginia (Mr. DAVIS)

pointed out between consenting parties. Nobody is being coerced into accepting anything. All of the consumer laws are protected.

I ask the Members to support this legislation.

Ms. ESHOO. Mr. Speaker, today the House is taking an important step to bring our Nation's laws in line with the explosive growth of E-commerce.

In 1997 my office was the first to establish a virtual district office in the Congress. I quickly realized my constituents were not permitted to provide their authorization for any casework with an electronic signature.

Subsequently, I introduced the first piece of legislation addressing the issue of electronic signatures during the 105th Congress and succeeded in passing this bill into law. The legislation requires Federal agencies to make Government forms available online and accept a person's electronic signature on these forms.

Following on this success, I introduced a bill in the 106th Congress to expand the legality of electronic signatures to the private sector. Today, we're voting on a bill that Chairman BLILEY introduced which attempts to accomplish the same goal as H.R. 1320.

The Congress must ensure that there are no roadblocks impeding the growth of E-commerce. E-commerce is expected to generate over \$1.3 trillion worth of business by 2003. Our laws should not impede this staggering growth so we must act to bridge the gap between now and the time when every State has passed an updated form of the Uniform State Law Code.

This legislation encourages States to pass a uniform law so that our Nation's consumers and businesses will not have to face 50 different sets of regulations to engage in E-commerce. I am concerned about the electronic records provisions in this bill, and hope that with further work, these concerns will be ironed out by conferees.

For these reasons, I urge my colleagues to support H.R. 1714. Our Nation's economy will be the beneficiary.

Mr. BLILEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARTON of Texas). The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 1714, as amended.

The question was taken.

Mr. MARKEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DISTRICT OF COLUMBIA COLLEGE ACCESS ACT

Mr. DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 974) to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia College Access Act of 1999".

SEC. 2. PURPOSE.

It is the purpose of this Act to establish a program that enables college-bound residents of the District of Columbia to have greater choices among institutions of higher education.

SEC. 3. PUBLIC SCHOOL PROGRAM.

(a) GRANTS.—

(1) IN GENERAL.—From amounts appropriated under subsection (i) the Mayor shall award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.

(2) MAXIMUM STUDENT AMOUNTS.—An eligible student shall have paid on the student's behalf under this section—

(A) not more than \$10,000 for any 1 award year (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)); and

(B) a total of not more than \$50,000.

(3) PRORATION.—The Mayor shall prorate payments under this section for students who attend an eligible institution on less than a full-time basis.

(b) REDUCTION FOR INSUFFICIENT APPROPRIATIONS.—

(1) IN GENERAL.—If the funds appropriated pursuant to subsection (i) for any fiscal year are insufficient to award a grant in the amount determined under subsection (a) on behalf of each eligible student enrolled in an eligible institution, then the Mayor shall—

(A) first, ratably reduce the amount of the tuition and fee payment made on behalf of each eligible student who has not received funds under this section for a preceding year; and

(B) after making reductions under subparagraph (A), ratably reduce the amount of the tuition and fee payments made on behalf of all other eligible students.

(2) ADJUSTMENTS.—The Mayor may adjust the amount of tuition and fee payments made under paragraph (1) based on—

(A) the financial need of the eligible students to avoid undue hardship to the eligible students; or

(B) undue administrative burdens on the Mayor.

(3) FURTHER ADJUSTMENTS.—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means an institution that—

(A) is a public institution of higher education located—

(i) in the State of Maryland or the Commonwealth of Virginia; or

(ii) outside the State of Maryland or the Commonwealth of Virginia, but only if the Mayor—

(I) determines that a significant number of eligible students are experiencing difficulty in gaining admission to any public institution of higher education located in the State of Maryland or the Commonwealth of Virginia because of any preference afforded in-State residents by the institution;

(II) consults with the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Secretary regarding expanding the program under this section to include such institutions located outside of the State of Maryland or the Commonwealth of Virginia; and

(III) takes into consideration the projected cost of the expansion and the potential effect of

the expansion on the amount of individual tuition and fee payments made under this section in succeeding years;

(B) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(C) enters into an agreement with the Mayor containing such conditions as the Mayor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the District of Columbia.

(2) ELIGIBLE STUDENT.—The term "eligible student" means an individual who—

(A) was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education;

(B) graduated from a secondary school or received the recognized equivalent of a secondary school diploma on or after January 1, 1998;

(C) begins the individual's undergraduate course of study within the 3 calendar years (excluding any period of service on active duty in the Armed Forces, or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of graduation from a secondary school, or obtaining the recognized equivalent of a secondary school diploma;

(D) is enrolled or accepted for enrollment, on at least a half-time basis, in a degree, certificate, or other program (including a program of study abroad approved for credit by the institution at which such student is enrolled) leading to a recognized educational credential at an eligible institution;

(E) if enrolled in an eligible institution, is maintaining satisfactory progress in the course of study the student is pursuing in accordance with section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)); and

(F) has not completed the individual's first undergraduate baccalaureate course of study.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

(5) SECONDARY SCHOOL.—The term "secondary school" has the meaning given that term under section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(6) SECRETARY.—The term "Secretary" means the Secretary of Education.

(d) CONSTRUCTION.—Nothing in this Act shall be construed to require an institution of higher education to alter the institution's admissions policies or standards in any manner to enable an eligible student to enroll in the institution.

(e) APPLICATIONS.—Each student desiring a tuition payment under this section shall submit an application to the eligible institution at such time, in such manner, and accompanied by such information as the eligible institution may require.

(f) ADMINISTRATION OF PROGRAM.—

(1) IN GENERAL.—The Mayor shall carry out the program under this section in consultation with the Secretary. The Mayor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section if the Mayor determines that doing so is a more efficient way of carrying out the program.

(2) POLICIES AND PROCEDURES.—The Mayor, in consultation with institutions of higher education eligible for participation in the program authorized under this section, shall develop policies and procedures for the administration of the program.

(3) MEMORANDUM OF AGREEMENT.—The Mayor and the Secretary shall enter into a Memorandum of Agreement that describes—

(A) the manner in which the Mayor shall consult with the Secretary with respect to administering the program under this section; and

(B) any technical or other assistance to be provided to the Mayor by the Secretary for purposes of administering the program under this section (which may include access to the information in the common financial reporting form developed under section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090)).

(g) **MAYOR'S REPORT.**—The Mayor shall report to Congress annually regarding—

(1) the number of eligible students attending each eligible institution and the amount of the grant awards paid to those institutions on behalf of the eligible students;

(2) the extent, if any, to which a ratable reduction was made in the amount of tuition and fee payments made on behalf of eligible students; and

(3) the progress in obtaining recognized academic credentials of the cohort of eligible students for each year.

(h) **GAO REPORT.**—Beginning on the date of enactment of this Act, the Comptroller General of the United States shall monitor the effect of the program assisted under this section on educational opportunities for eligible students. The Comptroller General shall analyze whether eligible students had difficulty gaining admission to eligible institutions because of any preference afforded in-State residents by eligible institutions, and shall expeditiously report any findings regarding such difficulty to Congress and the Mayor. In addition the Comptroller General shall—

(1) analyze the extent to which there are an insufficient number of eligible institutions to which District of Columbia students can gain admission, including admission aided by assistance provided under this Act, due to—

(A) caps on the number of out-of-State students the institution will enroll;

(B) significant barriers imposed by academic entrance requirements (such as grade point average and standardized scholastic admissions tests); and

(C) absence of admission programs benefiting minority students;

(2) assess the impact of the program assisted under this Act on enrollment at the University of the District of Columbia; and

(3) report the findings of the analysis described in paragraph (1) and the assessment described in paragraph (2) to Congress and the Mayor.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the District of Columbia to carry out this section \$12,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years. Such funds shall remain available until expended.

(j) **EFFECTIVE DATE.**—This section shall take effect with respect to payments for periods of instruction that begin on or after January 1, 2000.

SEC. 4. ASSISTANCE TO THE UNIVERSITY OF THE DISTRICT OF COLUMBIA.

(a) **IN GENERAL.**—Subject to subsection (c), the Secretary may provide financial assistance to the University of the District of Columbia for the fiscal year to enable the university to carry out activities authorized under part B of title III of the Higher Education Act of 1965 (20 U.S.C. 1060 et seq.).

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the District of Columbia to carry out this section \$1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(c) **SPECIAL RULE.**—For any fiscal year, the University of the District of Columbia may receive financial assistance pursuant to this section, or pursuant to part B of title III of the Higher Education Act of 1965, but not pursuant to both this section and such part B.

SEC. 5. PRIVATE SCHOOL PROGRAM.

(a) **GRANTS.**—

(1) **IN GENERAL.**—From amounts appropriated under subsection (f) the Mayor shall award grants to eligible institutions that enroll eligible students to pay the cost of tuition and fees at the eligible institutions on behalf of each eligible student enrolled in an eligible institution. The Mayor may prescribe such regulations as may be necessary to carry out this section.

(2) **MAXIMUM STUDENT AMOUNTS.**—An eligible student shall have paid on the student's behalf under this section—

(A) not more than \$2,500 for any 1 award year (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)); and

(B) a total of not more than \$12,500.

(3) **PRORATION.**—The Mayor shall prorate payments under this section for students who attend an eligible institution on less than a full-time basis.

(b) **REDUCTION FOR INSUFFICIENT APPROPRIATIONS.**—

(1) **IN GENERAL.**—If the funds appropriated pursuant to subsection (f) for any fiscal year are insufficient to award a grant in the amount determined under subsection (a) on behalf of each eligible student enrolled in an eligible institution, then the Mayor shall—

(A) first, ratably reduce the amount of the tuition and fee payment made on behalf of each eligible student who has not received funds under this section for a preceding year; and

(B) after making reductions under subparagraph (A), ratably reduce the amount of the tuition and fee payments made on behalf of all other eligible students.

(2) **ADJUSTMENTS.**—The Mayor may adjust the amount of tuition and fee payments made under paragraph (1) based on—

(A) the financial need of the eligible students to avoid undue hardship to the eligible students; or

(B) undue administrative burdens on the Mayor.

(3) **FURTHER ADJUSTMENTS.**—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

(c) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE INSTITUTION.**—The term "eligible institution" means an institution that—

(A)(i) is a private, nonprofit, associate or baccalaureate degree-granting, institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), the main campus of which is located—

(I) in the District of Columbia;

(II) in the city of Alexandria, Falls Church, or Fairfax, or the county of Arlington or Fairfax, in the Commonwealth of Virginia, or a political subdivision of the Commonwealth of Virginia located within any such county; or

(III) in the county of Montgomery or Prince George's in the State of Maryland, or a political subdivision of the State of Maryland located within any such county;

(ii) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(iii) enters into an agreement with the Mayor containing such conditions as the Mayor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the District of Columbia; or

(B) is a private historically Black college or university (for purposes of this subparagraph such term shall have the meaning given the term "part B institution" in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))) the main campus of which is located in the State of Maryland or the Commonwealth of Virginia.

(2) **ELIGIBLE STUDENT.**—The term "eligible student" means an individual who meets the requirements of subparagraphs (A) through (F) of section 3(c)(2).

(3) **MAYOR.**—The term "Mayor" means the Mayor of the District of Columbia.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Education.

(d) **APPLICATION.**—Each eligible student desiring a tuition and fee payment under this section shall submit an application to the eligible institution at such time, in such manner, and accompanied by such information as the eligible institution may require.

(e) **ADMINISTRATION OF PROGRAM.**—

(1) **IN GENERAL.**—The Mayor shall carry out the program under this section in consultation with the Secretary. The Mayor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section if the Mayor determines that doing so is a more efficient way of carrying out the program.

(2) **POLICIES AND PROCEDURES.**—The Mayor, in consultation with institutions of higher education eligible for participation in the program authorized under this section, shall develop policies and procedures for the administration of the program.

(3) **MEMORANDUM OF AGREEMENT.**—The Mayor and the Secretary shall enter into a Memorandum of Agreement that describes—

(A) the manner in which the Mayor shall consult with the Secretary with respect to administering the program under this section; and

(B) any technical or other assistance to be provided to the Mayor by the Secretary for purposes of administering the program under this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the District of Columbia to carry out this section \$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 5 succeeding fiscal years. Such funds shall remain available until expended.

(g) **EFFECTIVE DATE.**—This section shall take effect with respect to payments for periods of instruction that begin on or after January 1, 2000.

SEC. 6. GENERAL REQUIREMENTS.

(a) **PERSONNEL.**—The Secretary of Education shall arrange for the assignment of an individual, pursuant to subchapter VI of chapter 33 of title 5, United States Code, to serve as an adviser to the Mayor of the District of Columbia with respect to the programs assisted under this Act.

(b) **ADMINISTRATIVE EXPENSES.**—The Mayor of the District of Columbia may use not more than 7 percent of the funds made available for a program under section 3 or 5 for a fiscal year to pay the administrative expenses of a program under section 3 or 5 for the fiscal year.

(c) **INSPECTOR GENERAL REVIEW.**—Each of the programs assisted under this Act shall be subject to audit and other review by the Inspector General of the Department of Education in the same manner as programs are audited and reviewed under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) **GIFTS.**—The Mayor of the District of Columbia may accept, use, and dispose of donations of services or property for purposes of carrying out this Act.

(e) **FUNDING RULE.**—Notwithstanding sections 3 and 5, the Mayor may use funds made available—

(1) under section 3 to award grants under section 5 if the amount of funds made available under section 3 exceeds the amount of funds awarded under section 3 during a time period determined by the Mayor; and

(2) under section 5 to award grants under section 3 if the amount of funds made available under section 5 exceeds the amount of funds awarded under section 5 during a time period determined by the Mayor.

(f) **MAXIMUM STUDENT AMOUNT ADJUSTMENTS.**—The Mayor shall establish rules to adjust the maximum student amounts described in sections 3(a)(2)(B) and 5(a)(2)(B) for eligible

students described in section 3(c)(2) or 5(c)(2) who transfer between the eligible institutions described in section 3(c)(1) or 5(c)(1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, we have traveled a long way with the D.C. College Access Act. From March 4 when we introduced it, to markup in our subcommittee, unanimous approval in the Committee on Government Reform chaired by the gentleman from Indiana (Mr. BURTON); to House passage on May 24, and then on to October 19, passage in the Senate with friendly amendments which we are pleased to accept today. I am deeply proud of our hard work.

My thanks to the gentlewoman from the District of Columbia (Ms. NORTON), the ranking member of the subcommittee on the District of Columbia and all of the original cosponsors: The gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Maryland (Mr. HOYER), the gentleman from Maryland (Mr. WYNN), the gentleman from California (Mr. HORN), the gentleman from California (Mr. CUNNINGHAM), the gentleman from Maryland (Mr. EHRLICH) and the gentleman from Virginia (Mr. MORAN). My thanks to Speaker HASTERT, Chairman DAN BURTON and Majority Leader DICK ARMEY for their support and for permitting expeditious consideration of this. And my thanks to the Clinton administration and the Department of Education for working with us in a bipartisan spirit of cooperation to work out our differences and move this thing through for consideration.

My thanks to the D.C. Appropriations Chair ERNEST ISTOOK and his Senate counterpart, KAY BAILEY HUTCHISON, for including the money in the budget recommended by the administration. And my thanks to my own counterpart in the Senate, GEORGE VOINOVICH, for his patience and persistence in having such an excellent hearing and markup and for shepherding the amendments. And to Senator FRED THOMPSON, chairman of the Senate committee, for his support. My thanks as well to Senator JEFFORDS, Senator DURBIN and Senator WARNER for helping us to continue to keep this legislation on track and work to improve it.

And my thanks to some of the staff people who worked on this landmark law: My own staff director and counsel, Howie Denis; my chief of staff, Peter Sirh; and Jon Bouker of the gentlewoman from the District of Columbia's staff.

I am grateful to those leading regional foundations and companies that have come together in an extraordinary and historic effort to assist District of Columbia students. The legislation we are passing today is essential to those great endeavors in the private sector.

In 1995, the District of Columbia faced a crisis of epic proportions. Congress, in passing the control board legislation, with its creation of the position of chief financial officer, and then in 1997 with the passage of the D.C. Revitalization Act and its related reforms, embarked on a critically important process to address the crisis in a truly bipartisan way. The legislation before us today would not be possible but for the progress the city has achieved with the initiative of Congress and the executive branch working together, and, I might add, with the leadership of Tony Williams and the city council.

The city's return to the private financial markets is solid evidence that what Congress did produced credible numbers and better performance. Key elements of our reforms include Federal assumption of certain functions performed by State governments, and incentives for economic development and private sector jobs. The economic recovery of the Nation's capital benefits the entire region and country by realizing the vision which has so often been expressed. The new MCI Center and the Convention Center project, a tax credit for first-time homebuyers, enhanced public safety and water quality are just some of the improvements we have seen.

Two months ago, Speaker HASTERT and I attended a moving ceremony at the Edison Friendship public charter school in the District. Majority Leader ARMEY, Education Chairman BILL GOODLING, Senator KAY BAILEY HUTCHISON and PAUL COVERDELL were with us. The Edison school and many other charter schools represent another great success story in the District that Congress has helped us achieve.

We know that many concerns remain. Many of them are addressed in the budget and others will be dealt with later.

The bill before us today will enable District residents to attend public colleges and universities in Virginia and Maryland at in-State tuition rates. We have included tuition assistance grants as another option for private colleges in and adjacent to the District in those counties, including historically black colleges and universities in Virginia and Maryland. The CBO estimate fits within the money this bill authorizes and which the appropriators have included in their bill.

Mayor Williams has said that this bill is very, very important not only in improving education but in bringing the city back. I believe it is the best money we can spend and is a shining example of what a bipartisan urban

agenda can achieve. H.R. 974 will level the playing field for District high school graduates. It will give them the key to higher education in this region.

Back on March 4 when I introduced the bill, we went to Eastern High School with the gentlewoman from the District of Columbia. It is not far from the Capitol. We announced the proposal to students and faculty. The gentlewoman from the District of Columbia and Mayor Williams were with me at the time. I was deeply moved by the reaction of the students. I will never forget how many took our hands and looked into our eyes and thanked us for introducing this measure. This gives them hope for the future, hope for an affordable college education, something that is enjoyed by students in 50 States in the United States but is not a reality in our Nation's capital.

Fighting for educational opportunity is one of the reasons I entered public life. I am proud of so much that we have been able to do in the Nation's capital for the almost 5 years that I have had the privilege of serving as chairman of the Subcommittee on the District of Columbia. Economic development, public safety, the real estate market and so many other aspects of city life have changed for the better and the city is working to improve itself. This is something that I think ultimately had to happen and is happening. But nothing has given me more satisfaction than working to improve educational opportunities for the city's youth. We need a healthy city to have a healthy Washington region.

This bill, expanding higher educational choices, is an enormous leap forward. It is our vision for the future.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, H.R. 974, the D.C. College Access Act, facing its final House consideration today, is a splendid and near typical example of the bipartisan way in which the gentleman from Virginia and I have worked together since he became chair of the Subcommittee on the District of Columbia 4 years ago. I want to thank the gentleman from Virginia for his unflagging and indispensable leadership and for the energetic work of his staff, especially Peter Sirh and Howie Denis, who worked hand in hand with my own able legislative director, Jon Bouker, every step of the way until we have gotten to final passage today.

H.R. 974 marks a turning point in our approach to lifting the Nation's capital from fiscal crisis and in affording its citizens a way to overcome the handicap of being without a State to assist it in offering higher education. Because of the importance of higher education today and its links to full and equal citizenship, the D.C. College Access Act is a bill of historic proportions and

ranks as one of the most important pieces of legislation for District of Columbia residents in our history. I am especially pleased that final passage of H.R. 974 today will allow Mayor Tony Williams and the city, working together with the Department of Education, to have the program up and running next fall.

□ 1600

Both the House and Senate and the administration have worked closely and collegially on H.R. 974. All deserve credit and praise today. I want to thank Senator GEORGE VOINOVICH, Government Affairs Subcommittee Chair; Senate ranking member, RICHARD DURBIN; and Senator JIM JEFFORDS for their vital work in helping to craft an acceptable compromise between the Senate and House versions of the bill and for securing unanimous passage in the Senate on October 20, 1999.

I also thank the gentleman from Indiana (Mr. BURTON), who has consistently supported and pressed forward bills benefiting the District; the ranking member, the gentleman from California (Mr. WAXMAN), whose valuable assistance has been unfailing; and appropriation chairs, the gentleman from Oklahoma (Mr. ISTOOK) and KAY BAILEY HUTCHINSON for their critical support in assuring necessary funding for the program; and, of course, Secretary of Education Dick Riley for indispensable work on this bill in both houses.

I want particularly to recognize the President who included funds for this bill in his fiscal year 2000 budget, not only opening the way for the bill to pass today, but also assuring that there would be sufficient funds to do the job.

H.R. 974 offers District residents State public higher education alternatives similar to those available to other Americans as a matter of right. The central feature of H.R. 974 is an authorization for the Federal Government to pay the difference between the cost of in-state and out-of-state tuition fees for D.C. residents permitting students, once admitted, to attend public colleges and universities outside of the District and at in-state rates.

The mayor will administer the in-state tuition program in consultation with the Department of Education. In addition to full in-state tuition, the bill authorizes \$2,500 per student for D.C. residents to attend private colleges and universities in the District and in certain counties surrounding the District.

The bill also contains an authorization granting the District's own State university, the University of the District of Columbia funded historical black college and university status in recognition of the fact that many D.C. students prefer to attend their own State university or for a variety of reasons cannot attend college outside of the District. UDC has already received HBCU funds beginning in fiscal year 1999.

Young people graduating from D.C. high schools now will be treated as are

students in the 50 States. To qualify, a student must live in the District for 12 months before beginning college, must have graduated from high school after January 1, 1998, must begin college within 3 years of graduation, must be pursuing her first undergraduate degree and must be enrolled at least half time. The college must also sign a formal agreement with the mayor's office.

The bill we consider today contains three important protections negotiated with the Senate. First, the mayor will have the latitude to expend the in-state tuition program to the 50 States subject to cost instead of a blanket confinement to scarce slots in Maryland and Virginia. Second, students who will be freshmen, sophomores, and juniors when the program begins next year will qualify for in-state tuition rates. I appreciate that Senators VOINOVICH and DURBIN worked with us on this provision inasmuch as the Senate version of the bill originally applied only to freshmen.

District residents are particularly enthusiastic about the expansion of this particular provision because typically many go to college with just enough money for 1 year, yielding a high college dropout rate because of inability to meet college expenses. Third, institutions in counties close to the District including HBCUs in Maryland and Virginia where many D.C. residents often attend will be eligible.

It is important to note that our work on H.R. 974 is bolstered by an extraordinary private sector effort which is raising an even larger amount to help District students prepare to attend college and to supplement the costs beyond the tuition costs offered in this bill. Business leaders led by Don Graham, publisher of the Washington Post, and Lucio Noto, CEO of Mobil Oil, have already gotten commitments of \$17 million and plan to raise \$20 million in private funds to supplement the funds authorized by H.R. 974. This bill is a true public-private effort with the private sector more than equaling what we do here today.

The final passage of H.R. 974 today is a milestone in the effort to provide equal rights and citizenship for D.C. residents. This bill fills a unique and large educational gap that has had a particularly harmful effect on families here. Inequality in higher education opportunity hampers the continuing revitalization of the Nation's capital because, without the array of State offerings for higher education, residents have an incentive to move out of the District to neighboring jurisdictions.

As college costs have escalated, higher education opportunities have significantly affected, indeed caused, flight from the District. Consequently, the city has been left with many residents unable to meet their needs or talents to access to appropriate institutions from junior and specialized colleges to 4-year institutions. Thus, many have been left without the education necessary to contribute to the city's tax

base. With the passage of H.R. 974, District residents will no longer be the only Americans among the States without access to the necessary choices for higher education today.

I want to express my personal thanks once again to the leaders of my committee and subcommittee and appropriation committees, as well as their counterparts in the Senate and the administration. I want to also express the gratitude of the parents and the children of the District who have let me and my office know in no uncertain terms that they enthusiastically and overwhelmingly support H.R. 974 and that they look forward to the historic opportunities provided by the District of Columbia College Access Act.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield 4 minutes to the gentlewoman from Maryland (Mrs. MORELLA), the vice chairman of the Subcommittee on the District of Columbia and original sponsor of this legislation, who helped shepherd it through the subcommittee.

Mrs. MORELLA. Mr. Speaker, I rise in strong support of H.R. 974, the District of Columbia College Access Act, as amended by the Senate. I want to add my congratulations to the gentleman from Virginia (Mr. DAVIS) for the inception of the bill and carrying it through with his leadership inch by inch. I want to also commend the gentlewoman from the District of Columbia (Ms. NORTON) for her leadership in that; and as a matter of fact as has been mentioned and should be reiterated, this is an excellent example of bipartisan cooperation for the benefit of the United States on both sides of the aisle in both Houses with several committees on both sides who have shepherded this bill through.

And I do want to add my thanks also to the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform and Oversight and the gentleman from California (Mr. WAXMAN), the ranking member. But the gentleman from Virginia (Mr. DAVIS) has been there from the beginning, and his wonderful staff and the minority staff have been there and the cosponsors; and I see the gentleman from Virginia (Mr. MORAN), who is also a cosponsor of this bill.

This higher education bill provides an opportunity for District of Columbia residents who are high school graduates to attend colleges in Maryland and Virginia at in-state tuition rates. I am pleased to be an original cosponsor of the D.C. College Access Act. I believe that it offers an extraordinary value. It will ensure that the most economically disadvantaged students in our Nation's Capital are going to have access to a variety of colleges, and it is going to go a long way toward ensuring that the Metropolitan Washington area has a well-educated workforce.

Access to college is one of the greatest achievements of our American education system. Escalating costs of our

Nation's colleges and universities have created anxiety about college affordability. As a matter of fact, I know firsthand about that disease called "mal tuition," paying those bills. In terms of anxiety, paying for college ranks with how to pay for health care or housing or how to cover the expenses of taking care of an elderly relative.

From issues that affect women to children at risk, I have always tried to raise my voice in support of equality of opportunity. Well, the D.C. College Access Act will provide equal opportunities for students in the District. There is little doubt that high school graduates who live in the District have far fewer college choices than students in other parts of the country. Residents in all 50 American States have a network of State-supported colleges to attend, and this College Access Act will level the playing field for residents in the District of Columbia.

I have received many letters of support from my constituents in Montgomery County, Maryland, for H.R. 974. Montgomery College, a community college, is particularly interested in playing a major role in serving District residents. The college already enrolls nearly 150 District of Columbia residents, and even at their most costly out-of-state tuition rate with plans to expand the Tacoma Park, Maryland campus, the college expects to better accommodate more students from the District.

So again I want to reiterate my strong support for the bill and the Senate amendments to H.R. 974. With the swift passage of this bill, we are continuing a strong and necessary investment in education which will help America stay on top and help us to maintain our economic vitality into the 21st century.

Ms. NORTON. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN), who is not only a cosponsor of the bill but is the ranking member of the Subcommittee on the District of Columbia whose leadership was important in assuring funding for this bill.

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentlewoman from the District of Columbia, who so ably represents the people of the District of Columbia.

Mr. Speaker, the students of the District of Columbia are at a unique educational disadvantage today. They are the only students in the entire continental United States who do not have access to the State college and university system that every other American family is able to avail themselves of. I am not endorsing the concept of statehood, which would be perhaps one way to achieve that objective, although we would still then have to find the resources that would be necessary to build a comparable college system; but I am endorsing the notion that we should do everything we can to establish a level playing field for those stu-

dents who grow up in the District of Columbia, and this legislation will accomplish that objective.

There are some extraordinarily gifted young men and women in the District of Columbia, but we will never fully realize their potential until they have access to the excellence that our college and university systems are able to provide; and by expanding their access to the colleges and universities in Virginia and Maryland particularly, they will have that kind of opportunity which is bound to benefit all of us, our economy, our society.

As the distinguished gentleman from Virginia (Mr. Davis) so well knows, those students, those young men and women are, in fact, going to enrich the campuses and the classrooms of the colleges and universities in Virginia, as the gentlewoman from Maryland (Mrs. MORELLA) realizes that the same will happen in Maryland. We are doing ourselves a service with this legislation, and that is why the D.C. appropriation act includes \$17 million to fund this authorization.

□ 1615

This is a good idea. It will be one of the legacies that the gentleman from Virginia (Mr. DAVIS) will be able to point to with pride, as I am sure his able assistants, Peter and Howard will as well, and John on the staff of the gentlewoman from the District of Columbia (Ms. NORTON). It takes a lot of work, it takes a lot of commitment to get legislation through as quickly as this was, but this provides a true incentive so that we will see the real talent and potential of the young men and women of the District of Columbia fully realized. It is good legislation, and we should pass it unanimously.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first thank my colleague from Virginia for his eloquent remarks and also his help in the appropriations process and from all aspects as we worked to improve the district. The gentleman has been a true colleague in the essential part, as that term implies, in terms of working together to make these kinds of things happen for the region, because we recognize this is not just a city issue, it is a justice issue, but it is also a regional issue of great import, and I thank him.

Let me go briefly and talk about some of the changes in this bill from the Senate that were changes from the House version that passed earlier. These Senate amendments enable D.C. residents who are high school graduates the opportunity to pay in-state tuition rates upon admission to state colleges in Virginia and Maryland only. They would have to be admitted as out of state students, so they are competing in a larger pool, although the States themselves of Virginia and Maryland have the opportunity to create select pools for District residents should they choose to do that. But they

will not be taking from in-state students in Virginia and taking in-state places.

The difference between in-state and out-of-state tuition would be paid from new Federal money being authorized and appropriated, up to \$10,000 per individual in any award year.

This also provides tuition assistance grants of \$2,500 for D.C. resident high school graduates who will be attending private colleges in D.C. and adjacent counties in Virginia and Maryland and funding of \$5 million is authorized for this in FY 2000. It also includes private historically black colleges in Virginia and Maryland. This was an amendment that my colleague Senator WARNER put on in the other body.

I want to congratulate the gentlewoman from the District of Columbia (Ms. NORTON) on working also for the University of the District of Columbia, that they are not lost in this. In fact, they are a beneficiary of this legislation as well. She has given them HCBU status and additional funding for the University of the District of Columbia so they can hone and I think make greater their role for education than they do today in the District. That should not be lost sight of as well.

What UDC does not have and cannot be by itself, as no university can be by itself, is a state university system. It will be one component of the educational equation for D.C. residents, but it will now have assistance from other areas as well, and, with this additional money, I think its role will be strengthened in offering educational opportunities to students from the District of Columbia.

There is no means test in this legislation, but if an authorized, appropriated amount is insufficient, there is a ratable reduction, and if a ratable reduction is necessary, the mayor, the local leaders there, will have the ability to prioritize based on income and need of eligible students. So we will be having the city make that, and it will not be Congressionally mandated, should we have more people use this legislation than are currently foreseen as doing so.

Actually, I think that would be a good thing. We hope this is utilized, because I think the more people who are able to use this and go to college, the better off we all are. Residents in the 50 states already have a network of state supported colleges to attend. This bill levels the playing field for students in the District of Columbia. High school graduates would have to be a D.C. resident for at least one year prior to eligibility, and they would have to begin undergraduate courses within 3 years of high school graduation, excluding active military service. This applies to those receiving recognized equivalent of secondary school diplomas. It provides for an incentive for population stability in the Nation's capital. It gives graduates more choices. It does not affect admissions policies or standards. Regional companies and foundations are helping students qualify for college admission,

and this legislation compliments that effort.

My friend from the District of Columbia mentioned Lou Nodo at Mobil Corporation, Don Graham at the Washington Post. Steve Case at America On-Line has been another leader, and many other companies in the region I think have contributed private dollars that will compliment this effort.

We have had extraordinary bipartisan Congressional and administration cooperation, as my colleague from Maryland noted. This will commence applying to students who graduated in January and June of 1998. The city will run the program with Federal oversight. Disbursements will be made directly to the eligible colleges, and UDC, as I noted before, will receive \$1.5 million additional per year if it does not receive funds as a historically black college under the Higher Education Act from this legislation.

Once again though, the basic concept is to give children in the District of Columbia the same educational opportunities for an affordable college education that all of our children enjoy in the 50 states, an affordable college education. This will help narrow the gap between the very rich and the very poor in an information age, and education is the key to narrowing that gap.

In Fairfax County, across the river from the District, over 90 percent of those who will be graduating from high school this year or are eligible to graduate from high school, will go on to higher education. In the District of Columbia, those 18-year-olds, if they graduate on time, it will be less than 25 percent, a huge disparity. One of the reasons for this is for many of these kids there is no hope or opportunity of an affordable college education. This legislation takes an important step in giving them hope for the future.

I will just note in Fairfax County today our unemployment rate is under 2 percent, it is about 1.8 percent. It is about 3½ times that in the District of Columbia. Over the last 10 years, our economy regionally has grown. Our Nation has prospered. My Congressional district has prospered. But in the bottom quarter of economic strata there has been very little movement, and in places in the District there has been little movement. The way to equalize this is through educational opportunities, and it is not by the government coming in with greater subsidies. That is a last resort. Giving people equal opportunity is the best resort. That is what this legislation does.

It guarantees a quality of opportunity by allowing college and technology educations to be affordable for everyone. When the educational opportunities are equal, when college is affordable for D.C. residents, as well as Maryland and Virginia residents, we are going to see more District of Columbia students attending college, being trained for the jobs of the future, so they can start businesses, earn good

salaries, support their children, return a tax base to the District of Columbia, and make our Nation's Capital the city it deserves to be and has the potential to become.

This legislation is a giant step forward. It is not the whole equation, but it is a vital part of the equation, Mr. Speaker. I urge my colleagues to pass this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to once again thank my good partner in the District in this House, the gentleman from Virginia (Mr. DAVIS), for the way he has worked steadfastly on this bill. When we met small problems along the way, and they were almost always small, we simply gathered our forces and with his staff and mine and he and me, we kept charging forward.

The way in which we worked on this bill should be noted as well, because when we got to the Senate and found that there were differences, instead of squaring off, we simply closed in and Senate and House worked together until we got a bill that both of us could in fact support.

Mr. Speaker, I want to place this bill in its historic context. I believe it fair to say that this bill belongs in the category of bills that have made an historic difference to the District of Columbia, bills like the Home Rule Act, the Revitalization Act, and my tax benefits such as the \$5,000 home buyer credit.

This bill brings the kind of benefits to the District that will have the same kind of broad effect on individuals, as well as the city itself. It keeps the city's demographics intact, and yet it aids individuals. It is a win-win in all of the ways that matter.

This bill, as the chairman has indicated, did not overlook the residents of the District of Columbia who cannot leave this town. Many of them have family obligations, many of them do not want to leave the District, so UDC receives historically black college and university funded status, something the university has sought for decades, and receives in this bill only because this bill opened opportunities in other ways and the chairman was willing to work with me to make sure that in this particular way we filled this gap for students who remain in the District.

It is a win-win for youngsters who have friends in other states across the United States and see them having a choice of institutions, from junior college, to all kinds of specialized schools, to 4-year colleges, and see themselves with a struggling state university, one that many of them love, but simply does not provide them the array of choices that youngsters in the 50 states have.

It is a win-win for the region because all of us understand that our region has no borders and that when we work together and open opportunities for Dis-

trict residents, the entire region benefits.

It is a win-win for private business, which has stepped in with its own version of the D.C. College Access Act, a private version which inspired in many ways the public version which we pass today.

Mr. Speaker, everywhere I go in the city I meet the same response to this bill. I go in the poorest sections of the city all the time, and I go into the sections of our city where people have many opportunities, and the only way you would know the difference is by the color of their skin, because you certainly will not know it by the way in which they have received this bill.

This bill is of the very first priority to District residents, the District residents who would have no other opportunity to go to institutions of the kind that will be available to them except through this bill, and residents who have other opportunities, but would as soon move out of the District than be left to pay the difference, to pay the fine, as it were, of remaining a District resident once their children get ready for college.

Like my tax bills, this bill draws a big circle around the city and all gathered to join it. This bill is not one that we might have thought would pass even a couple of years ago, but with the city returning to full health, it is just the kind of response from the Congress that will encourage the city to do what it needs to do, because the sine qua non of this bill is that there is no free ride and no free lunch. You cannot get access to this bill unless you graduate from high school. What this bill will do will be to encourage youngsters who did not see any reason to go through all the work to graduate from high school because there was nothing there afterwards for them. Now there is the same thing that there would be if they lived in any of the 50 states.

I speak, I know, for the residents of the District of Columbia and every ward of the city when I express my gratitude to the chairman and to all who have worked on this bill and to the Congress of the United States for what I hope will be final passage unanimously today.

Mr. Speaker, I yield back the balance of my time and urge unanimous passage of H.R. 974.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say to my colleague, I have enjoyed working with her on this legislation. I think it is landmark. I appreciate the support of the other Members, the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Virginia (Mr. MORAN) and the other sponsors, many from the region, some outside it, and the support of the administration. Without all of us working together, putting aside some of the jurisdictional issues, we would not be where we are today.

Mr. HOYER. Mr. Speaker I rise today in support of the District of Columbia College Access Act.

This legislation would allow high school graduates from the District of Columbia to pay in-State tuition rates at public colleges and universities in Maryland and Virginia. Specifically, the bill would allow District students to apply for up to \$10,000 a year, subject to a \$50,000 cap, to offset the difference between in-State and out-of-State tuition rates. Furthermore, students who choose to attend private schools in the District and the adjacent Maryland and Virginia counties may also apply for up to \$2,500 to offset the cost of their private tuition.

Although the District of Columbia Appropriations Act has not been signed into law, I am pleased the latest version contains \$17 million for this important initiative.

As many of you know, I graduated high school just across the border in Prince Georges County in 1957. My parents were from very modest means and quite frankly were not in the financial position to help me pay for college. I consider myself lucky though. Lucky because when my stepfather, who was in the Air Force, was transferred up to Andrews Air Force Base our family settled in Maryland.

Going part time I was able to go to the University of Maryland. I used to go to school during the day and at night I worked first as a file clerk at the Central Intelligence Agency and then on Capitol Hill. It was not always easy balancing school and work and it took me 6 years to earn my undergraduate degree. However, I was able to do it because I had in-state tuition and I consider my decision to attend the University of Maryland as one of the best decisions I have made in my life.

The legislation that we have before us affords high school graduates in the District of Columbia the same opportunity that I had. The opportunity to attend an excellent university at a reasonable cost.

I would like to thank Congressman DAVIS and Congresswoman NORTON for all their work on this legislation which I am pleased to cosponsor. Additionally, I would like to thank D.C. Appropriations Subcommittee Chairman ISTOOK and Ranking Member MORAN for including funding for this legislation in their bill.

Mr. CUNNINGHAM. Mr. Speaker, as a member of the House Appropriations Subcommittee on the District of Columbia, and as a cosponsor of this legislation, I rise to encourage my colleagues to support H.R. 974, the District of Columbia College Access Act.

The Washington metropolitan area is one of America's leading centers for high technology. Telecommunications giant MCI was founded here. In the suburbs lies America Online, the MAE East, and several powerful and growing engines of the global internet economy. Yet, that growth, and these opportunities, lie beyond the reach of young people in the Nation's Capital City, who lack affordable access to many of this region's institutions of higher learning.

We can change this situation for the better, for the betterment of our country, and for the betterment of the young people of this great city.

I want the young people of the District of Columbia to have a fighting chance to achieve the American dream. I want for the global internet economy to be their economy too, and to be of their making.

The D.C. College Access Act simply provides the young people of the District of Columbia an opportunity to have access to discounted "in-state" tuition rates to public and private educational institutions in the state of Maryland, the commonwealth of Virginia, and here in the District of Columbia.

The D.C. appropriations bill recently adopted by the House provides \$17 million toward this program. I hope that the President will support that appropriation.

I commend my colleague, the gentleman from Virginia (Mr. DAVIS) for developing this important legislation. And I also hope that my colleagues will support this bill.

Mr. DAVIS of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARTON of Texas). The question is on the motion offered by the gentleman from Virginia (Mr. DAVIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 974.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 974.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1630

RECESS

The SPEAKER pro tempore (Mr. BARTON of Texas). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 30 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARTON of Texas) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 348, by the yeas and the nays;

H.R. 2737, by the yeas and the nays; and

H.R. 1714, by the yeas and the nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

FEMA AND CIVIL DEFENSE MONUMENT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 348.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 348, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 349, nays 4, not voting 80, as follows:

[Roll No. 550]

YEAS—349

Abercrombie	Crowley	Herger
Ackerman	Cummings	Hill (IN)
Aderholt	Cunningham	Hill (MT)
Allen	Davis (FL)	Hilleary
Andrews	Davis (VA)	Hobson
Armey	DeFazio	Hoeffel
Bachus	DeGette	Hoekstra
Baird	DeLauro	Holt
Baldacci	DeMint	Hooley
Baldwin	Deutsch	Horn
Ballenger	Diaz-Balart	Hostettler
Barcia	Dickey	Hoyer
Barrett (NE)	Dicks	Hunter
Barrett (WI)	Dingell	Hutchinson
Bartlett	Dixon	Hyde
Barton	Doggett	Inslee
Bass	Dooley	Isakson
Bateman	Doolittle	Istook
Becerra	Dreier	Jackson (IL)
Bentsen	Duncan	Jenkins
Bereuter	Dunn	John
Berman	Edwards	Johnson (CT)
Berry	Ehlers	Johnson, E. B.
Biggart	Ehrlich	Johnson, Sam
Bilbray	Emerson	Jones (NC)
Bilirakis	English	Kanjorski
Bliley	Eshoo	Kaptur
Blumenauer	Etheridge	Kasich
Blunt	Evans	Kelly
Boehlert	Ewing	Kennedy
Bonilla	Farr	Kildee
Bonior	Fattah	Kilpatrick
Bono	Filner	Kind (WI)
Borski	Fletcher	King (NY)
Boswell	Foley	Kingston
Boucher	Ford	Klecza
Boyd	Fowler	Knollenberg
Brady (PA)	Frank (MA)	Kolbe
Brady (TX)	Franks (NJ)	Kucinich
Brown (FL)	Frelinghuysen	Kuykendall
Bryant	Frost	LaFalce
Burr	Gallegly	LaHood
Burton	Gekas	Lampson
Buyer	Gephardt	Lantos
Callahan	Gibbons	Largent
Calvert	Gilchrest	Larson
Camp	Gillmor	Latham
Campbell	Gilman	LaTourette
Canady	Gonzalez	Lazio
Cannon	Goode	Leach
Capps	Goodlatte	Lee
Capuano	Gordon	Levin
Cardin	Goss	Lewis (CA)
Castle	Graham	Lewis (GA)
Chabot	Granger	Lewis (KY)
Clayton	Green (TX)	Linder
Clement	Green (WI)	LoBiondo
Clyburn	Gutknecht	Lofgren
Coble	Hall (OH)	Lucas (KY)
Combest	Hall (TX)	Lucas (OK)
Condit	Hansen	Luther
Conyers	Hastings (FL)	Maloney (CT)
Cox	Hastings (WA)	Maloney (NY)
Cramer	Hayes	Manzullo
Crane	Hefley	Markey

Martinez	Phelps	Snyder
Mascara	Pickering	Souder
Matsui	Pickett	Spence
McCarthy (MO)	Pitts	Spratt
McCarthy (NY)	Pombo	Stabenow
McCollum	Pomeroy	Stark
McCrery	Porter	Stearns
McDermott	Portman	Stenholm
McGovern	Price (NC)	Strickland
McHugh	Quinn	Stump
McInnis	Radanovich	Sununu
McIntosh	Rahall	Tancredo
McKeon	Ramstad	Tanner
Meehan	Rangel	Tauscher
Meek (FL)	Regula	Tauzin
Meeks (NY)	Reyes	Terry
Menendez	Reynolds	Thomas
Millender-	Riley	Thompson (CA)
McDonald	Rivers	Thornberry
Miller (FL)	Rodriguez	Thune
Miller, Gary	Roemer	Thurman
Miller, George	Rogan	Tiahrt
Minge	Rogers	Tierney
Mollohan	Rohrabacher	Towns
Moore	Ros-Lehtinen	Traficant
Moran (KS)	Rothman	Turner
Moran (VA)	Roukema	Udall (CO)
Morella	Roybal-Allard	Udall (NM)
Murtha	Royce	Upton
Nadler	Ryan (WI)	Velazquez
Napolitano	Ryun (KS)	Vento
Nethercutt	Sanchez	Visclosky
Ney	Sawyer	Vitter
Northup	Saxton	Walden
Norwood	Schakowsky	Walsh
Nussle	Scott	Waters
Oberstar	Sensenbrenner	Watt (NC)
Obey	Shadegg	Waxman
Olver	Shaw	Weldon (FL)
Ortiz	Shays	Weller
Ose	Sherman	Wexler
Oxley	Sherwood	Weygand
Packard	Shimkus	Whitfield
Pallone	Shuster	Wicker
Pascrell	Simpson	Wilson
Pastor	Sisisky	Wise
Payne	Skeen	Wolf
Pease	Skelton	Woolsey
Pelosi	Slaughter	Wu
Peterson (MN)	Smith (MI)	Young (AK)
Peterson (PA)	Smith (NJ)	Young (FL)
Petri	Smith (TX)	

NAYS—4

Chenoweth-Hage Paul
Metcalf Sanford

NOT VOTING—80

Archer	Fossella	Neal
Baker	Ganske	Owens
Barr	Gejdenson	Pryce (OH)
Berkley	Goodling	Rush
Bishop	Greenwood	Sabo
Blagojevich	Gutierrez	Salmon
Boehner	Hayworth	Sanders
Brown (OH)	Hilliard	Sandlin
Carson	Hinche	Scarborough
Chambliss	Hinojosa	Schaffer
Clay	Holden	Serrano
Coburn	Houghton	Sessions
Collins	Hulshof	Shows
Cook	Jackson-Lee	Smith (WA)
Cooksey	(TX)	Stupak
Costello	Jefferson	Sweeney
Coyne	Jones (OH)	Talent
Cubin	Klink	Taylor (MS)
Danner	Lipinski	Taylor (NC)
Davis (IL)	Lowey	Thompson (MS)
Deal	McIntyre	Toomey
Delahunt	McKinney	Wamp
DeLay	McNulty	Watkins
Doyle	Mica	Watts (OK)
Engel	Mink	Weiner
Everett	Moakley	Weldon (PA)
Forbes	Myrick	Wynn

□ 1823

Mrs. CHENOWETH-HAGE, Mr. PAUL, and Mr. METCALF changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARTON of Texas). Pursuant to clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

LAND CONVEYANCE LEWIS AND CLARK NATIONAL HISTORIC TRAIL, ILLINOIS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2737, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2737, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 355, nays 0, not voting 78, as follows:

[Roll No. 551]

YEAS—355

Abercrombie	Clayton	Gibbons
Ackerman	Clement	Gilchrest
Aderholt	Clyburn	Gillmor
Allen	Coble	Gilman
Andrews	Combest	Gonzalez
Armey	Condit	Goode
Bachus	Conyers	Goodlatte
Baird	Cox	Gordon
Baldacci	Cramer	Goss
Baldwin	Crane	Graham
Ballenger	Crowley	Granger
Barcia	Cummings	Green (TX)
Barrett (NE)	Cunningham	Green (WI)
Barrett (WI)	Davis (IL)	Gutknecht
Bartlett	Davis (VA)	Hall (OH)
Barton	DeFazio	Hall (TX)
Bass	DeGette	Hansen
Bateman	DeLauro	Hastings (FL)
Becerra	DeMint	Hastings (WA)
Bentsen	Deutsch	Hayes
Bereuter	Diaz-Balart	Hefley
Berman	Dick	Heger
Berry	Dicks	Hill (IN)
Biggett	Dingell	Hill (MT)
Bilbray	Dixon	Hilleary
Bilirakis	Doggett	Hinche
Bliley	Dooley	Hobson
Blumenauer	Doolittle	Hoefel
Blunt	Dreier	Hoekstra
Boehlert	Duncan	Holt
Bonior	Dunn	Hooley
Bono	Edwards	Horn
Borski	Ehlers	Hostettler
Boswell	Ehrlich	Hoyer
Boucher	Emerson	Hunter
Boyd	Engel	Hutchinson
Brady (PA)	English	Hyde
Brady (TX)	Eshoo	Inslee
Brown (FL)	Etheridge	Isakson
Brown (OH)	Evans	Istook
Bryant	Ewing	Jackson (IL)
Burr	Farr	Jenkins
Burton	Fattah	John
Callahan	Filner	Johnson (CT)
Calvert	Fletcher	Johnson, E. B.
Camp	Foley	Johnson, Sam
Campbell	Ford	Jones (NC)
Canady	Fowler	Kanjorski
Cannon	Frank (MA)	Kaptur
Capps	Franks (NJ)	Kasich
Capuano	Frelinghuysen	Kelly
Cardin	Frost	Kennedy
Castle	Galleghy	Kildee
Chabot	Gekas	Kilpatrick
Chenoweth-Hage	Gephardt	Kind (WI)

King (NY)	Nethercutt	Sherman
Kingston	Ney	Sherwood
Kleczka	Northup	Shimkus
Knollenberg	Norwood	Shuster
Kolbe	Nussle	Simpson
Kucinich	Oberstar	Sisisky
Kuykendall	Obey	Skeen
LaFalce	Olver	Skelton
LaHood	Ortiz	Slaughter
Lampson	Ose	Smith (MI)
Lantos	Oxley	Smith (NJ)
Largent	Packard	Smith (TX)
Larson	Pallone	Snyder
Latham	Pascrell	Souder
LaTourette	Pastor	Spence
Lazio	Paul	Spratt
Leach	Payne	Stabenow
Lee	Pease	Stark
Levin	Pelosi	Stearns
Lewis (CA)	Peterson (MN)	Stenholm
Lewis (GA)	Peterson (PA)	Strickland
Lewis (KY)	Petri	Stump
Linder	Phelps	Sununu
LoBiondo	Pickering	Tancredo
Lofgren	Pickett	Tanner
Lucas (KY)	Pitts	Tauscher
Lucas (OK)	Pombo	Tauzin
Luther	Pomeroy	Terry
Maloney (CT)	Porter	Thomas
Maloney (NY)	Portman	Thompson (CA)
Manzullo	Price (NC)	Thornberry
Markey	Quinn	Thune
Martinez	Radanovich	Thurman
Mascara	Rahall	Tiahrt
Matsui	Ramstad	Tierney
McCarthy (MO)	Rangel	Towns
McCarthy (NY)	Regula	Traficant
McCollum	Reyes	Turner
McCrery	Reynolds	Udall (CO)
McDermott	Riley	Udall (NM)
McGovern	Rivers	Upton
McHugh	Rodriguez	Velazquez
McInnis	Roemer	Vento
McIntosh	Rogan	Visclosky
McKeon	Rogers	Vitter
Meehan	Rohrabacher	Walden
Meek (FL)	Ros-Lehtinen	Walsh
Meeks (NY)	Rothman	Waters
Menendez	Roukema	Watt (NC)
Metcalf	Roybal-Allard	Waxman
Millender-	Royce	Weldon (FL)
McDonald	Rush	Weller
Miller (FL)	Ryan (WI)	Wexler
Miller, Gary	Ryun (KS)	Weygand
Miller, George	Sanchez	Whitfield
Minge	Sanford	Wicker
Mollohan	Sawyer	Wilson
Moore	Saxton	Wise
Moran (KS)	Schakowsky	Wolf
Moran (VA)	Scott	Woolsey
Morella	Sensenbrenner	Wu
Murtha	Shadegg	Young (AK)
Nadler	Shaw	Young (FL)
Napolitano	Shays	

NOT VOTING—78

Archer	Fossella	Owens
Baker	Ganske	Pryce (OH)
Barr	Gejdenson	Sabo
Berkley	Goodling	Salmon
Bishop	Greenwood	Sanders
Blagojevich	Gutierrez	Sandlin
Boehner	Hayworth	Scarborough
Bonilla	Hilliard	Schaffer
Buyer	Hinojosa	Serrano
Carson	Holden	Sessions
Chambliss	Houghton	Shows
Clay	Hulshof	Smith (WA)
Coburn	Jackson-Lee	Stupak
Collins	(TX)	Sweeney
Cook	Jefferson	Talent
Cooksey	Jones (OH)	Taylor (MS)
Costello	Klink	Taylor (NC)
Coyne	Lipinski	Thompson (MS)
Cubin	Lowey	Toomey
Danner	McIntyre	Wamp
Davis (FL)	McKinney	Watkins
Deal	McNulty	Watts (OK)
Delahunt	Mica	Weiner
DeLay	Mink	Weldon (PA)
Doyle	Moakley	Wynn
Everett	Myrick	
Forbes	Neal	

□ 1831

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

The SPEAKER pro tempore (Mr. BARTON of Texas). The pending business is the question of suspending the rules and passing the bill, H.R. 1714, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BILLEY) that the House suspend the rules and pass the bill, H.R. 1714, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 122, not voting 77, as follows:

[Roll No. 552]

YEAS—234

Aderholt	Ewing	Linder
Army	Fletcher	LoBiondo
Bachus	Foley	Lofgren
Ballenger	Fowler	Lucas (KY)
Barcia	Franks (NJ)	Lucas (OK)
Barrett (NE)	Frelinghuysen	Maloney (CT)
Bartlett	Frost	Manzullo
Barton	Gallegly	McCarthy (NY)
Bass	Gekas	McCollum
Bateman	Gibbons	McCreery
Bereuter	Gilchrest	McHugh
Biggert	Gillmor	McInnis
Bilbray	Gilman	McIntosh
Bilirakis	Goode	McKeon
Bliley	Goodlatte	Metcalf
Blumenauer	Gordon	Miller (FL)
Blunt	Goss	Miller, Gary
Boehlert	Graham	Minge
Bonilla	Granger	Moore
Bono	Green (TX)	Moran (KS)
Boswell	Green (WI)	Moran (VA)
Boucher	Gutknecht	Morella
Boyd	Hall (TX)	Napolitano
Brady (TX)	Hansen	Nethercutt
Bryant	Hastings (WA)	Ney
Burr	Hayes	Northup
Burton	Hefley	Norwood
Buyer	Herger	Nussle
Callahan	Hill (MT)	Ose
Calvert	Hilleary	Oxley
Camp	Hobson	Packard
Campbell	Hoekstra	Pease
Canady	Holt	Pelosi
Cannon	Hoolley	Peterson (MN)
Capps	Horn	Peterson (PA)
Castle	Hostettler	Petri
Chabot	Hunter	Pickering
Clement	Hutchinson	Pickett
Coble	Hyde	Pitts
Combest	Inslee	Pombo
Condit	Isakson	Porter
Cox	Istook	Portman
Cramer	Jenkins	Price (NC)
Crane	Johnson (CT)	Quinn
Crowley	Johnson, Sam	Radanovich
Cunningham	Jones (NC)	Ramstad
Davis (FL)	Kasich	Regula
Davis (VA)	Kelly	Reynolds
DeMint	Kind (WI)	Riley
Diaz-Balart	King (NY)	Roemer
Dickey	Kingston	Rogan
Doggett	Knollenberg	Rogers
Dooley	Kolbe	Rohrabacher
Doolittle	Kuykendall	Ros-Lehtinen
Dreier	LaHood	Roukema
Dunn	Larson	Royce
Ehlers	Latham	Ryan (WI)
Ehrlich	LaTourette	Ryun (KS)
Emerson	Lazio	Sanchez
English	Leach	Sanford
Eshoo	Lewis (CA)	Saxton
Etheridge	Lewis (KY)	Schaffer

Sensenbrenner	Spence	Turner
Shadegg	Stearns	Udall (CO)
Shaw	Stenholm	Upton
Shays	Stump	Vitter
Sherman	Sununu	Walden
Sherwood	Tancredo	Walsh
Shimkus	Tauscher	Weldon (FL)
Shuster	Tauzin	Weller
Simpson	Terry	Weygand
Sisisky	Thomas	Whitfield
Skeen	Thompson (CA)	Wicker
Smith (MI)	Thornberry	Wilson
Smith (NJ)	Thune	Wolf
Smith (TX)	Tiahrt	Wu
Snyder	Towns	Young (AK)
Souder	Traficant	Young (FL)

NAYS—122

Abercrombie	Gephardt	Nadler
Ackerman	Gonzalez	Oberstar
Allen	Hall (OH)	Obey
Andrews	Hastings (FL)	Olver
Baird	Hill (IN)	Ortiz
Baldacci	Hinchey	Pallone
Baldwin	Hoefel	Pascrell
Barrett (WI)	Hoyer	Pastor
Becerra	Jackson (IL)	Paul
Bentsen	John	Payne
Berman	Johnson, E. B.	Phelps
Berry	Kanjorski	Pomeroy
Bonior	Kaptur	Rahall
Borski	Kildee	Rangel
Brady (PA)	Kilpatrick	Reyes
Brown (FL)	Klecza	Rivers
Brown (OH)	Kucinich	Rodriguez
Capuano	LaFalce	Rothman
Cardin	Lampson	Roybal-Allard
Chenoweth-Hage	Lantos	Rush
Clayton	Lee	Sawyer
Clyburn	Levin	Schakowsky
Coyers	Lewis (GA)	Scott
Cummins	Luther	Skelton
Davis (IL)	Maloney (NY)	Slaughter
DeFazio	Markey	Spratt
DeGette	Martinez	Stark
DeLauro	Mascara	Strickland
Deutsch	Matsui	Tanner
Dicks	McCarthy (MO)	Thurman
Dingell	McDermott	Tierney
Dixon	McGovern	Udall (NM)
Duncan	Meehan	Velazquez
Edwards	Meeke (FL)	Vento
Engel	Meeke (NY)	Visclosky
Evans	Menendez	Waters
Farr	Millender	Watt (NC)
Fattah	McDonald	Waxman
Filner	Miller, George	Wexler
Ford	Mollohan	Wise
Frank (MA)	Murtha	Woolsey

NOT VOTING—77

Archer	Gejdenson	Neal
Baker	Goodling	Owens
Barr	Greenwood	Pryce (OH)
Berkley	Gutierrez	Sabo
Bishop	Hayworth	Salmon
Blagojevich	Hilliard	Sanders
Boehner	Hinojosa	Sandlin
Carson	Holden	Scarborough
Chambliss	Houghton	Serrano
Clay	Hulshof	Sessions
Coburn	Jackson-Lee	Shows
Collins	(TX)	Smith (WA)
Cook	Jefferson	Stabenow
Cooksey	Jones (OH)	Stupak
Costello	Kennedy	Sweeney
Coyne	Klink	Talent
Cubin	Largent	Taylor (MS)
Danner	Lipinski	Taylor (NC)
Deal	Lowe	Thompson (MS)
Delahunt	McIntyre	Toomey
DeLay	McKinney	Wamp
Doyle	McNulty	Watkins
Everett	Mica	Watts (OK)
Forbes	Mink	Weiner
Fossella	Moakley	Weldon (PA)
Ganske	Myrick	Wynn

□ 1840

Mr. CROWLEY changed his vote from "nay" to "yea."

Mr. SHERMAN changed his vote from "present" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:
Ms. STABENOW. Mr. Speaker, on rollcall No. 552, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall Nos. 550, 551, and 552, I was unavoidably delayed due to mechanical problems on Delta Airlines flight to Washington, DC. Had I been present, I would have voted "yea."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GENERAL LEAVE

Mrs. THURMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

TRIBUTE TO DR. JOHN LOMBARDI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mrs. THURMAN) is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, I am here today along with other Members of the Florida congressional delegation to pay tribute to an accomplished leader and a very special man, Dr. John Lombardi. Today is Dr. Lombardi's last day as president of the University of Florida.

I remember thinking to myself when Dr. Lombardi came on board in 1990 that we were very lucky to have him. He came to the University of Florida from Johns Hopkins University where he excelled as provost and vice president for academic affairs.

□ 1845

Before that, he spent 20 years at Indiana University, where he held a variety of teaching and administrative positions, including Director of Latin American Studies, Dean of International Programs, and Dean of Arts and Sciences.

These positions at distinguished universities helped to shape Dr. Lombardi into the innovative dynamic leader he proved to be while at the top post of the University of Florida.

Just to highlight some of his accomplishments and to help explain why he will be missed so much, Dr. Lombardi led the University of Florida through a decade of great accomplishment. Following his vision, the University of Florida waged an amazing 5-year private fund-raising drive that brought in

more than \$570 million by the end of September and the campaign is well on its way towards reaching its revised goal of \$750 million by the end of the year 2000.

Dr. Lombardi played an instrumental role in shaping the university into one of the country's best public research institutions. The university ranks 12th in the country in total research and development spending at public universities and under his leadership the research awards to the university increased from \$161 million in 1990 to \$296 million in 1999.

Clearly, the additional research dollars and the success of the private fund-raising campaign are due in large part to the tremendous job Dr. Lombardi has done in making the University of Florida one the country's leading public higher institutions of learning.

This year, U.S. News and World Report ranked the University of Florida 16th in the country in an overall rating of public universities and, according to the latest survey, Money magazine rated the university number 10 for schools offering the most value for the cost. Last year, Kiplinger's business magazine ranked the university fifth among State universities in the country for offering the most value for the tuition.

Those are all ratings to be proud of, and Dr. Lombardi can take credit for these successes and many more for his commitment to an overall mission he coined: "It's performance that counts."

I first had the pleasure of working with Dr. Lombardi while serving in the Florida State Senate. While under the leadership of the gentlewoman from Florida (Mrs. MEEK), I had the privilege of working as the liaison between the Senate Appropriations Subcommittee on Education and leaders of higher education in the State. During this time, I had the opportunity to work with the board of regents and the chancellor and I soon got to know President Lombardi.

From the very start, he was a very impressive man. He came in with fresh ideas and had an uncanny ability to talk to people with great clarity and conviction. That enabled him to rise to the position of unofficial spokesman on behalf of higher education before the State Senate and House Committee on Appropriations and he earned my respect and admiration in the process.

He was the idea man. He was the one who was able to go in with such force that people realized that what they were doing was important. I am grateful I was able to continue my working relationship with Dr. Lombardi after leaving the State Senate following my election to Congress in 1992 as the representative of Florida's 5th District, including the University of Florida.

Since that time, I have watched him set many of his ideas into motion and make a difference. Among his many accomplishments, the university's enrollment, retention and graduation rates

are way up. He has implemented very effective programs to help students graduate within 4 years. He has increased the number of combined degree programs so undergraduates can now earn a bachelor and master's degree in 5 or 6 years. He has led the effort to make computers accessible to all students, and even provided every student and faculty member with free e-mail and Internet accounts. The buildings on the campuses are new and improved because of him. The campus has new dorms, a new student recreational center, softball complex, dining room, chemistry building, physics building, vet school, cancer center and the Brain Institute.

He also oversaw the transformation of the university's teaching hospital, Shands, into a multihospital health care system that spans communities throughout north central Florida, including Jacksonville, whose representatives are the gentlewoman from Florida (Ms. BROWN) and the gentlewoman from Florida (Mrs. FOWLER). These are just some of his remarkable accomplishments during his tenure.

I've also come to understand and realize firsthand the love the students have for this man. Every year during the homecoming parade, thousands of students stand along the sidelines cheering as he passes. They adore him and he's earned their affection through his warmth, accessibility and understanding. He can walk through the campus and the students just know him, and I'm not sure I've seen that in many places over the years.

For this reason, I'm pleased to learn Dr. Lombardi will be staying on at the university to direct the Center for Florida Studies in the Humanities and Social Sciences and teaching courses in the history department. Throughout his tenure as president, Dr. Lombardi always made time to teach a course every semester on campus, ranging from the history of intercollegiate sports to Latin American history to international business.

He enjoys sharing his knowledge, and in this way, he will continue to influence students on campus and make a difference.

I was trying to explain to someone in my office the other day exactly why Dr. Lombardi is so popular. And I have to admit, it can be hard to boil down to a few words. But sometimes you just meet someone and you just like them. You work with them and over time you become friends. You see something in them that you think is very special and that draws you to them. Perhaps it's their warmth or the way they approach life. That's how it is with both Dr. Lombardi and his wonderful wife, Cathryn.

They are both very special people, and I am very appreciative of the work they have done for both the university and the community. I would like to thank them for helping the University of Florida achieve particularly ambitious goals through dedication, commitment and the general belief that indeed, "It's Performance that Counts."

Mr. Speaker, before I end with my tribute I would like to make mention that the gentleman from Florida (Mr. SCARBOROUGH) could not be here to pay tribute in person because of recent back surgery, but he will submit a tribute for the RECORD.

Mr. YOUNG of Florida. Mr. Speaker, I want to commend my colleague from Florida, KAREN THURMAN, for calling this special order today to honor Dr. John Lombardi, the outgoing President of the University of Florida.

Dr. Lombardi has served the University of Florida with distinction as president for the past 9 years. During this time, he has taken the university to new national levels of excellence, from the classroom, to the research laboratories, to the athletic fields.

The number of National Merit Scholars attending the university has more than doubled during his presidency. Private gifts to the university have increased by almost two-thirds and research and development funds from Federal, State, and private sources have more than doubled. And we all know of the university's prowess on the athletic fields under Dr. Lombardi's presidency. The Gators won national championships in football, men's golf, women's tennis, women's soccer, and numerous Southeastern Conference championships in a wide range of sports.

On a personal note, my colleagues should know how diligently Dr. Lombardi has worked with Congress on behalf of our great State of Florida and its university system. One dream of Dr. Lombardi, which I had the opportunity to assist with through my work on the Appropriations Committee, was the creation of the Brain Institute. Through his work and dedication on this project, the University of Florida now hosts an institute which will lead to critical new medical research and technological breakthroughs to help generations of people throughout our Nation and the world.

Mr. Speaker, Dr. Lombardi has served our State, the University of Florida, its faculty and students honorably and with a conviction these past nine years. He has been an outstanding ambassador for the university with the Florida congressional delegation and I want to say how much we appreciate his dedication and how much we will miss his hard work and his friendship. Thank you Dr. Lombardi for your service and I join with my colleagues from Florida in wishing you and your wife Cathryn all the best as you continue your work to improve the quality of education for our Nation's students.

Mr. SCARBOROUGH. Mr. Speaker, on November 1, 1999, the citizens of the State of Florida will be losing a man who has dedicated the last decade to making the University of Florida one of the greatest public universities in the country. This gentleman has distinguished himself as a community leader, a dedicated educator, and one of our Nation's finest collegiate administrators. The man I speak about today is Dr. John Lombardi, president of the University of Florida.

During Dr. Lombardi's 9½-year tenure as president, the University of Florida's enrollment increased to more than 43,000 students and its budget is now almost twice what it was when he arrived in 1990. UF was ranked the 16th-best public university in the United States by U.S. News & World Report earlier this year, buildings have popped up all over campus and an ambitious capital campaign is nearing completion. Since 1990, the number of degrees awarded annually from UF's graduate programs has increased from 1,613 in 1988 to 2,558 in 1998. Research expenditures have more than doubled since 1988, from \$126 million to \$271 million.

In my opinion, Mr. Speaker, John Lombardi has gone above and beyond the call of duty

throughout this distinguished career in the field of education. His personality and genuine concern for the well being and intellectual development of students has been the key to his success. John was never the type of university president who governed from an ivory tower on campus. John was a president who could be seen on any given school day, walking to his office through the campus, all the while interacting with students and teachers. On rainy days in Gainesville, Dr. Lombardi would drive his old, red pick-up truck to work. On fall Saturdays, John could be seen cheering on the Fightin' Gators to another gridiron victory with 85,000 other fans and students.

John's maverick attitude and dedication to public education has been a model in the lives of the thousands of students, parents, educators, and university employees that he has taught, supervised, and encouraged. His legacy will tell of a tireless man in black, horn-rimmed glasses, who always fought for what he thought was best for the University of Florida and accepted no compromises.

Even as John ends his tenure as president of the University of Florida, his dedication to education will remain a priority in his life. John will continue to remain on the faculty of UF as a history professor and as a co-director of the Center for Studies of Humanities and Social Sciences.

So today, when that old, red pickup truck pulls away from the president's house in Gainesville, FL for the last time, let us think about the gifts that Dr. John Lombardi has given the students of the University of Florida. Gifts like leadership, imagination, greatness, and pride.

Mr. STEARNS. Mr. Speaker, I appreciate this opportunity to join with my Florida colleagues in paying tribute to John Lombardi, who stepped down today as president of the University of Florida. Although Dr. Lombardi is leaving the administrative side of the university, he will return to teaching in the school's history department.

When I took office in 1989, I represented Gainesville and the University of Florida until 1992. Although no longer in my district, the university is an important resource for the people of Florida, and I have continued to be involved with the school. Over the years, I have had the privilege of working with John Lombardi and I am proud of what we have accomplished.

In 1990, Dr. Lombardi became the president of the University of Florida. Through his hard work and dedication, the University of Florida has heightened its educational reputation and enhanced its commitment to excellence. Under the guidance of Dr. Lombardi over this decade, academic standards have increased, student performance has risen, graduation rates have improved, and the modernization of equipment and facilities have flourished. The 1990's will long be seen as an era of developing a premier institute of higher learning at the University of Florida.

Although an outstanding administrator and educator, John has other attributes that I am pleased to point out. I recall one of my first meetings with him. A number of us were in Gainesville for a school dinner and waiting for President Lombardi to show up. I was looking down the road and saw an old, odd looking truck lumbering up the road. I thought it was probably the landscaper coming in to complete some final touches before the event.

Instead, to my surprise, President Lombardi stepped out of his truck. This truck has become a Lombardi trademark around campus. Yes, this noted scholar does not require the pomp and trappings of his office. He is equally comfortable conversing with the erudite as with the common man, and this egalitarian quality marks all that he does.

As with the truck, John is also well known for the red suspenders he wears to the football games. In addition to the arrival of President Lombardi, 1990 marked a significant turn around in Gator football. Steve Spurrier was brought in as coach. In the previous 56 years, no Florida team has captured an official Southeastern Conference Championship—the Gators won three in the early 1990's. The arrival of John Lombardi enhanced more than the academic standing of the university, it initiated the rise of a sports powerhouse.

John is also a family man, and I always enjoy the time I spend with them. His wife Cathryn and I share an interest in science fiction, and I always appreciate the chance to compare notes and to exchange recommendations. This is a wonderful American family with two children, and I had the pleasure to have one of them work in my office part time.

In the first century B.C., the Roman poet Horace urged that man "seek for truth in the groves of Academe." The brilliance of John Lombardi is exhibited through his efforts to seek the truth through learning. As president, he has taken many courageous stands—courageous because they have been controversial. However, the pursuit of enlightenment is not, and should not, always be easy. Avoiding controversy means accepting mediocrity—and that is not John Lombardi.

Each of us is here in the world to accomplish something. During his tenure as president, John Lombardi has stood in the gap to make a difference. He has set an example of excellence in public and private service which should be an example for all.

John, thank you for your friendship and for all that you have done for the University of Florida. We are sorry to see you leave office, but you have earned this return to the classroom where you will continue to help shape the minds of the future.

Mr. SHAW. Mr. Speaker, today is the final day that Mr. John Lombardi will serve in his capacity as president of the University of Florida. Throughout the last 10 years he has served as not only a president, but as a teacher, mentor, historian, innovator, and architect of educational improvement throughout the State of Florida. I am honored to include him among the great leaders of my State.

Though Mr. Lombardi's presidency has been characterized by conflict, it is through this conflict that he has exuded his abilities as an exceptional leader. Before Mr. Lombardi even began his term in 1990, he found himself in the midst of a racial conflict on campus. Mr. Lombardi not only mitigated the crisis, but used it as a platform for promoting racial equality at the University of Florida. From that ordeal, he committed his administration to making UF more comfortable and accessible to minority students.

While Mr. Lombardi's term of service can be characterized by challenges, it can also be characterized by innovation. Under Mr. Lombardi's administration, the University of Florida has excelled in technology and education. He has instituted an Integrated Student

Information System (or ISIS) that allows students to on-line information on their personal finance, housing, grades, and curriculum. He has also created the UF Bank—a paradigm for collegiate financial processing, as well as an Integrated Healthcare System, Genetics Institute, Brain Institute, and numerous combined degree programs.

When considering Mr. Lombardi's initiatives, one must also consider his university development at the University of Florida. President Lombardi has overseen and initiated the building of new dormitories, a student recreational center, Gator Dining, and buildings for chemistry, physics, veterinary medicine, and cancer research. His fundraising efforts have brought more than half a billion dollars to the university for further initiatives.

Mr. Lombardi's most impressive characteristic, however, may be his ability to lead. Mr. Lombardi is a charismatic leader, a visionary, responsible for the actions of himself and his administration and adept at the often harrowing necessities of his occupation. When the Legislature of the State of Florida set forth budgetary restrictions that many thought would hinder the universities, Mr. Lombardi effectively managed to save 41 of 44 new programs to the astonishment of his peers at universities throughout the State of Florida. He has often dealt directly with the State legislature to serve the needs of the University of Florida.

Mr. Lombardi has said that, "to succeed we must perform, we must be efficient and we must produce first-rank quality in all that we do." His statement is certainly indicative of his tenure as president of the University of Florida. He has brought honor to his university, to his State, and to his country through his term of office.

Mr. BILIRAKIS. Mr. Speaker, I rise today to recognize and honor John V. Lombardi, who has served with distinction as the president of the University of Florida for over 9 years. In that role, he has taken this distinguished institution to new heights of academic performance.

I had the pleasure of meeting John Lombardi shortly after his inauguration as president of the University of Florida. Since that time, I have come to know Dr. Lombardi well. I have seen firsthand the profound impact he has had at the university in the intervening years. Quite frankly, Dr. Lombardi has been unique among university presidents in his ability to relate to students, staff, faculty, and all those who support the University of Florida.

As a Member of Congress, I am well aware of the difficulty in maintaining close contact with one's constituents. It takes work; it takes prioritizing—but it is vital to accurate representation. Dr. Lombardi has set as his priority the "pursuit of ever-higher quality" in every area throughout the University of Florida.

To achieve this goal, he has made himself available to the students, to the faculty and to the staff, among others. He has been a leader of efforts to improve and diversify programs and to secure financial and community support.

I want to publicly commend Mr. Lombardi for his dedicated service to the University of Florida. Throughout his commitment, he has helped to provide direction and positive growth for a generation of Floridians.

Mr. BOYD. Mr. Speaker, I would like to take this opportunity to pay tribute to retiring University of Florida president John Lombardi. Dr. Lombardi is departing his post today after a decade of service to our university, its students and the surrounding community. Dr. Lombardi's tenure was marked by his dedication to a mission of shaping the University of Florida into the world-class institution it has become today.

As a member of the Florida State Legislature, I had the opportunity to develop a personal relationship with Dr. Lombardi as he worked with the legislature to ensure the university obtained the resources it needed to serve Florida's students and develop its reputation as a quality research institution. I have always been impressed by his tireless efforts on behalf of the university to raise academic standards and student performance and expand opportunities for the entire university community.

Dr. Lombardi's commitment, however, extended beyond the boundaries of his campus, as the entire State of Florida has benefited from his years of service. The constituents of the Second Congressional District, in particular, have profited from Dr. Lombardi's support of the land grant university's concept of a "People's" university through its Institute of Food and Agricultural Sciences. Dr. Lombardi recognized the campus' critical role in developing research, teaching and extension programs to serve Florida's agricultural community.

Most impressive, however, has been Dr. Lombardi's devotion to the University of Florida's most important resource—its students. At a time when higher education institutions are bursting at the seams, Lombardi has always put the needs of his students first, and as a result, he has earned the affection of the entire student body.

On behalf of the Second Congressional District, I would like to thank Dr. Lombardi and send him best wishes for all his future endeavors. We will not forget the many ways he has made the University and the State of Florida a better place.

The SPEAKER pro tempore (Mr. KUYKENDALL). Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

(Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE SERVICE OF DR. JOHN LOMBARDI, PRESIDENT OF UNIVERSITY OF FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Florida. Mr. Speaker, I also rise to pay tribute to President John Lombardi on his last day as President of the University of Florida.

From the very first day that John Lombardi became President of the University of Florida, about 10 years ago, he demonstrated a vision and a passion that would be very difficult to duplicate. He arrived in a 1985 GMC red

pickup truck, and it became quite clear immediately that this was a very special person who could relate just as effectively with the students as he did with the academics and the administrators.

He truly believed in the greatness of the university and he had a very unique style of communication that allowed him to spread his vision that, notwithstanding the tremendous reputation the University of Florida had, it was far ahead of its reputation.

John Lombardi's style of communication was unique; professional, honest, direct and at times blunt, but he said what many people wanted to hear and he took the university through a great deal of progress in a very short period of time. As the gentlewoman from Florida (Mrs. THURMAN) has elaborated, research dollars increased by double the amount they were when he arrived; the academic credentials of the student body increased dramatically. One statistic I will quote, which is a little daunting for us, the entering freshman at the University of Florida now is a 3.90.

Dr. Lombardi also shepherded through the creation of three very nationally well-known centers, the UF Brain Institute, the Engineering Research Center for Particle Science, and the National High Magnetic Laboratory, which is under the auspices of the University of Florida, Florida State University and Los Alamos National Laboratory.

The 1990s has not been the easiest decade to manage a university. But John Lombardi's creativity and resourcefulness helped the University of Florida thrive in a time of shrinking budgets and bulging enrollments. He created a money management system that gave his deans and directors more control and flexibility of their own budgets. The deans thrived under this system, saving more than \$6.7 million in 1996 and 1997, and \$12 million the next year. They took those savings and put them directly into student services.

In addition to all these achievements, Dr. Lombardi taught us something very important. Something that helps us answer the question, how do we define success in any major State university, not just in Gainesville, Florida? We define success by the value we add to the students that enter the university and ultimately leave there. John Lombardi never lost sight of the fact that a university is only as great as each and every one of its students that attend there.

He made a point of doing something that not enough university presidents do today. He spent a great deal of time with the students. Whether it was cheering the many University of Florida sports' teams on to victory, or marching with the student band with his clarinet, Dr. Lombardi showed the students how much he cared about them and their University.

Now, Dr. Lombardi, starting tomorrow, is returning to his first love;

teaching. He will be teaching history again, and his students will be very lucky to have him there. But this is our opportunity tonight to thank him for his courageous leadership and for his example in the years to come as the University of Florida prospers under his tremendous stewardship.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise today to pay tribute to Dr. John Lombardi, the outgoing President of my alma mater, the University of Florida.

Dr. Lombardi leaves his distinguished position today after a proud decade of immeasurable service. During this period, he was instrumental in promoting the University of Florida's reputation as one of the premier public universities in the United States. However, even as he prepares to leave this position, his commitment to education remains unabated. Dr. Lombardi plans to return to the classroom as a professor in the University's history department. Such dedication is typical of Dr. Lombardi, as evidenced by his record of accomplishments and achievements as the President of the University of Florida.

Complete enumeration of Dr. Lombardi's accomplishments would take days, so I will focus on a few accomplishments that I believe best portray Dr. Lombardi's tenure.

Foremost among the accomplishments during the Lombardi years is the creation of the University of Florida Brain Institute. This institute focuses on brain and spinal cord research and treatment, and is recognized internationally for its faculty, clinicians, students, and staff. Dr. Lombardi oversaw the creation of this institute, and construction of a six-story, \$60 million building to house this comprehensive center devoted entirely to neuroscience.

Under Dr. Lombardi, the University has also increased the availability of combined degree programs for undergraduates who want to earn both a Bachelors and a Masters degree in five or six years. These programs have proven to be very popular with students seeking to take advantage of the university's curricular depth during a five or six year experience.

Also underway, as a direct result of Dr. Lombardi's vision and leadership, is the Graduate Growth Initiative. This initiative to increase the graduate student population to approximately 25% of the entire student body has resulted in growing numbers of graduate students, and proven to be an important asset in support of the University's research agenda.

Dr. Lombardi will be missed as President of the University of Florida. I wish him the best of luck in his return to the classroom, and commend him for his dedicated service to the University of Florida.

SOCIAL SECURITY AND THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, Washington has hit the point on the political calendar when Congress and

the President pound the tables and thump their chests over the final budget decisions of this year. Our jobs are to look past the theatrics and to make decisions based upon principle.

This year we sat forth an ambitious goal that we would hold the line on spending instead of dipping into the Social Security Trust Fund. This year we have an opportunity for the first time since the Eisenhower administration to balance the budget without touching the Social Security Trust Fund. Congress needs to stand on principle. We owe it to ourselves and to future generations.

For too many years, these budget negotiations did not create such a fuss. Congress and the President settled their differences the old-fashioned way: They simply spent more money. When spending exceeded revenues, they borrowed money first from the Social Security Trust Fund, then from the public, by issuing government bonds. Forty years later we have run up one heck of a tab. Our Federal debt now stands at over \$5 trillion.

There is hope. The Republican Congress over the past 5 years has been more serious than ever about fiscal discipline. That, coupled with a strong national economy, have put our Federal Government in the black for the first time in a generation and allowed us to retire \$130 billion in Federal debt. The next step is crucial. Congress and the President need to keep their hands out of the Social Security cookie jar. It is too important to our future and to our country.

The Federal Government will raise about \$1.7 trillion this year in non-Social Security revenue. This really ought to be enough to operate our government. Americans are likely to hear some hysterics coming out of our Nation's capital during the next couple of weeks over whether we should spend more money on this or that program. These decisions are important, but my focus will be on the bigger picture: Can we get through this session without robbing Social Security and future generations?

We must end the year by holding the line on spending, force some savings, and stay out of the Social Security Trust Fund. It is a matter of principle worth fighting for.

REPORT ON RESOLUTION AGREEING TO CONFERENCE REQUESTED BY SENATE ON H.R. 2990, QUALITY CARE FOR THE UNINSURED ACT OF 1999

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106-430) on the resolution (H. Res. 348) agreeing to the conference requested by the Senate on the Senate amendment to the bill (H.R. 2990) to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax

incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts; to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; and for other purposes, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO DR. JOHN LOMBARDI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise tonight to pay tribute to one of the most progressive leaders in the history of Florida, Dr. John Lombardi. He has been a cherished friend to me for over the past 10 years, but he has also been a great friend to the University of Florida and the rest of the State. He is a passionate supporter of public education and he is also a refreshing thinker.

I have been able to count on Dr. Lombardi for so many years as a valuable friend and resource person. Though Dr. Lombardi is leaving his position as President of the University of Florida, he will still be a part of the University's community. We will continue to count on him as a resource.

As a graduate of the University of Florida, I am proud of all the work he has done to make the University of Florida one of the finest public universities in the country, and the best football team. His hard work has helped us reach new levels of academic achievement and we are all proud of his commitment.

I know that the State of Florida is grateful to Dr. Lombardi for being so dedicated in his advocacy for equal rights and a quality education for all of our students. We will miss his leadership, but we will count on his continued support and guidance.

Mrs. MEEK of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentlewoman from Florida.

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentlewoman for yielding to me.

□ 1900

Mr. Speaker, Dr. John Lombardi represented and carried through a renaissance in Florida's public education. He chartered a new course for a university which many times before him was in a sleepy existence.

Dr. Lombardi came along; he was a university president who had vision and he had foresight. He was a scholar, respected. He was an academic, yet he was very well-centered in the community, as well as the students. He pulled this university up in research and development. He shaped and defined a new direction for the university.

I had quite a few meetings with President Lombardi. I respected him, as I was a member of the Florida Senate Committee on High Education. I must say to the graduates and the students of the University of Florida, John Lombardi will be missed; and to that entire university system, he brought them into the 21st century kicking and screaming. We are hoping that they will be able to replace him. But I say, no, it is hard to replace a man with the genius and heart of a John Lombardi.

TRIBUTE TO JOHN LOMBARDI

The SPEAKER pro tempore (Mr. KUYKENDALL). Under a previous order of the House, the gentlewoman from Florida (Mrs. FOWLER) is recognized for 5 minutes.

Mrs. FOWLER. Mr. Speaker, I rise today to offer my best wishes and appreciation to an outstanding educator, administrator, and author, Dr. John Lombardi, who has been the president of the University of Florida for more than 9 years now, and in that time he has become much beloved by the student body, faculty, and alumni. This is a man who truly made a difference during his years as president.

It would take too long to list all of his many accomplishments, so I would like to highlight just a few.

As an educator, Dr. Lombardi focused on and achieved higher academic standards, student performance, and graduation rates. As an administrator, he took care of critical details, such as offering better access to computers and augmenting opportunities by increasing the number of combined degree programs available to undergraduates. He was intricately involved in the opening of the Brain Institute, a premier center dedicated to brain and spinal cord research and treatment.

He also excelled in the vitally important role as a fund-raiser, with gifts to the University increasing exponentially during his tenure, including a recently arranged multimillion dollar contribution to the law school.

In addition, Dr. Lombardi was responsible for Florida's acceptance into the Association of American Universities, the prestigious higher education organization comprised of the top 62 public and private institutions in the United States.

More important, though, was Dr. Lombardi the person, a person of great popularity and high regard. Let me just give my colleagues two examples.

Dr. Lombardi was so well-loved by the students that I know that recently the student body voted to ask the

Board of Regents to allow Dr. Lombardi to sign each of their diplomas.

The second anecdote is even more true to his spirit, because at every homecoming Dr. Lombardi marched with the alumni band playing his trademark clarinet and wearing his Gator suspenders.

Today, Dr. Lombardi is leaving his post after a decade of dedicated service. We are fortunate, though, that he will not be going very far and that he plans to return to teaching in the University's history department. On this occasion, I wish Dr. Lombardi and Cathryne all the best and offer great thanks for all his hard work and efforts on behalf of the University of Florida.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. Mr. Speaker, over the past few weeks, the Republican leadership has taken their year of budgetary gimmicks to a new level, and I want to address that.

Not only have they declared the Census an emergency, something we have been doing through the centuries, not only have they delayed funding for critical medical research at the National Institutes of Health, they tried to create a 13th month in the year and put off payments that lower-income working families receive under the Earned Income Tax Credit.

Not only have they put on the floor an appropriation bill that has abandoned our commitment to reduce class size in our schools, a commitment which we started in the 1999 budget to eliminate immunization for 300 kids and gutted funding to hire teachers for disadvantaged students, not only have they been saying that they are the great protectors of Social Security and Social Security surpluses, while their own Congress Budget Office numbers which they have demanded the House use say the exact opposite, that all would have been bad enough, now they are telling us they are doing the responsible thing.

They have decided to hold up a penny and say, of course we can cut one penny out of every dollar we spend. One percent they say. That is just wasted money. They have abandoned apparently their idea of an \$800 billion tax cut, so-called tax cut.

Why? It did not resonate with the people of America. The reply of the leadership has been, Most people don't pay taxes. That's why people aren't supporting this tax cut.

They have got to be kidding me. Most people in America do pay taxes. Most people in America of adult age work if they are not retired. But let us keep it elementary. Let us keep it very simple. Let us get back to the penny.

We all know that on the face of this penny is the face of Abraham Lincoln,

our great role model. It appears here. As we listen to the rhetoric of the leadership, I would like this House to consider some other faces that are reflected here in this penny, the faces of those who represent the real story of about what this penny means.

Consider the face of Bob Corsa from Clifton, New Jersey. Bob is one of our Nation's veterans. Cutting that penny means that he and his fellow veterans will lose nearly \$200 million in funding for desperately needed medical care. This little penny I hold in my hands that their side has held up night after night, I am holding it up tonight. These are America's heroes. Yet, the Republican leadership calls their medical care wasteful spending. What is one penny? What is one percent?

How about the face of the young 3-year-old in the town I grew up in and still live in, Paterson, New Jersey, who may be one of 5,000 children denied an opportunity to attend Head Start programs. He or she would be so denied because this penny actually means 39 million less dollars for Head Start in their proposal. The other side calls these investments in our future wasteful spending.

We should also remember the face of that college student who will not have the opportunity to receive work study assistance or the family who will be forced to live another decade near a toxic waste site because funding for the cleanup of that site has been slashed.

The other side is saying to those citizens, it is just a penny. It is just wasteful spending we are cutting. Their argument is the easy way out. It is an across-the-board cut that fails those we were sent here to advocate for, the voiceless. And we continue this process.

DEPARTMENT OF EDUCATION CANNOT BE AUDITED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, today the Department of Education cannot produce the required paperwork to allow their financial books to be audited by the General Accounting Office, the GAO. It is the only department that has not been audited for fiscal year 1998.

The Federal Department of Education is responsible for distributing \$120 billion a year in education spending. Unfortunately, it does not know where all that money is going. It is unacceptable that the Department of Education cannot account for how billions of dollars intended for institutes are being spent.

Yet, rather than looking at these issues, the Department has claimed that, as a result of a less than 1 percent reduction in their budget, they will have to cut funding for education programs because they say there is no waste in their agency.

I am convinced that we can find savings and solutions in the Department of Education and make sure that taxpayer dollars are used as they were intended, to help kids learn, not on bureaucratic mix-up or faulty computer systems. But until the Department of Education is willing to work to find out how they spend all our money, we cannot be sure how much waste is occurring or how much we can more effectively spend taxpayer dollars.

How does anyone explain how a Federal department is unauditible? The only worst case I have ever heard about than this one is in 1995, 1996 the IRS could not account for about \$4 billion. They just could not account for it. They just lost it or misplaced it, I guess.

The Republican Congress wants to take a different approach to education, flexibility in return for strong accountability, the opportunity for parents, teachers, and schools to spend money the way they choose in return for proving that students are learning.

We have asked the GAO to look at some of the Department's accounting practices to make sure that every dollar that should be going to the classroom students is actually getting there to the local districts and classrooms.

I hope that the President and Secretary Riley will work with us to make sure that every Federal education dollar is spent wisely and is used to help children learn, not spent on red tape or bureaucratic mistakes.

The first step in making sure that the Department of Education's books are auditable is that we know where the money is going. I hope Secretary Riley will do everything he can to make sure this happens as soon as possible.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, Republicans must take all of us for fools, standing on a soap box trying to convince the American public that they are the saviors of Social Security, when in fact they are like the thief who does not believe he has committed a crime until he gets caught. Then he goes, oh, I committed a crime.

Instead of supporting Social Security, the Republican leadership has a long track record of hostility toward that good program.

In fact, the gentleman from Texas (Mr. ARMEY), the majority leader, has maligned Social Security as a rotten trick and as a bad retirement for American people. Republicans have tried to eliminate Social Security. They have tried to privatize Social Security, and they are trying to steal from it.

The Republican budget proposals before us this week and for the past few weeks would not add a single day to Social Security's solvency.

□ 1915

We are already into the fourth week of fiscal year 2000 and the Republicans are covertly dipping into the Social Security program. The reality is that the Republican spending bills have already spent the Social Security trust fund surplus for fiscal year 2000. And according to the Congressional Budget Office, despite the majority's smoke and mirrors, they have borrowed more than \$13 billion of the Social Security surplus up to this date. And by the time we are finished with all of the spending bills, CBO estimates, if we go in the way that they are proposing, that \$13 billion will actually be \$24 billion. How does this extend the life of Social Security and the Social Security trust fund?

From past remarks, we know that the Republicans would be perfectly okay to let Social Security dry up and go away. Social Security, however, faces a shortfall over the long term and Congress must work, and we must work together, with real numbers, to secure the future of Social Security for Americans and for American families in the future.

I say to the Republicans, stop talking. Start working. Work with us. Work with the President. Work on a plan to extend the life of the program. Actually, the President has a plan to shore up Social Security over the long term. His plan would reduce the national debt by \$3.1 trillion over the next 15 years and eventually devote the savings to extend the life of Social Security. We have a responsibility to future generations, to ensure that Social Security remains the strong successful program it is and that our country's priorities are addressed at the same time.

I have a message for the Republican leaders. You are not fooling anybody. Stop talking. Start working. Work with us. Work with the President and work for the people of this country.

TRIBUTE TO RETIRING UNIVERSITY OF FLORIDA PRESIDENT JOHN LOMBARDI

The SPEAKER pro tempore (Mr. KUYKENDALL). Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, first I want to pay just a few moments of tribute to one of the most distinguished gentlemen I know in the State of Florida, a gentleman I have known for the past decade, who has headed the University of Florida, Mr. John Lombardi. John Lombardi is retiring as the President of the University of Florida. I have had an opportunity since I first attended the University of Florida, it will be some 40 years ago, in 1960, as a freshman on that campus, to see the University of Florida, which gave me an incredible opportunity in life, an educational advantage. I have seen many

Presidents, J. Wayne Reitz, Phil O'Connell, Bob Marston, Marshall Criser, the interim President Bryan and others who have done a superb job in leading our first and foremost university in Florida, the University of Florida in Gainesville. But I have never seen an individual who has done a more incredible job in bringing together success in academics, success in programs, success in contributions to the university, both financial contributions and incredible standing. There just is no one who has done a more incredible job than John Lombardi. As he departs this week after a decade of service to our university, to our State, I salute him along with other members of the Florida delegation for what he has done for my alma mater, in raising the academic standards and improving student performance and increasing graduation rates, and for increasing the number of degreed programs and again the academic standing that he brought to the University of Florida through his efforts.

Just a word of praise, also, for his gracious, hardworking wife Carolyn who also with John Lombardi provided her leadership as really our first lady and spokesperson for the university and tremendous hostess for the university. Another tireless, devoted individual who gave so much to the University of Florida. We truly will miss them, but we are truly grateful for their tremendous contributions, Mr. Speaker.

The final tribute is not given by me but given by the graduates to John Lombardi of this fall's term. Even though there is an interim president coming, a very distinguished gentleman coming, they have signed a petition, the graduating seniors, to request that John Lombardi sign their diplomas, a final salute, not only from alumni and distinguished alumni from throughout the country and the State but even from those graduating this year. So, John Lombardi, we salute you, and you have done a tremendous job.

Mr. Speaker, I also wanted to speak in my remaining few moments to the comments of the last speakers who accuse the Republicans of stealing or robbing from Social Security. What could be more absurd? Every time the Democrats came to the floor and controlled the House of Representatives for 40 years, they in fact not only spent all the money in the Social Security trust fund, they went beyond that and spent 200 and \$300 billion more per year in funding beyond that. This Republican controlled Congress is the first time we have brought our financial house into order. We have never said to do away with Social Security. We said the other side bankrupted Social Security. We laid the facts and the information before the American public and we looked for alternatives to take pressure off of Social Security so that Social Security could be secure and not robbed.

So for the first time, and again I cannot believe they can come to the floor

with a straight face and to the American people and say that the Republicans have not been good trustees of this fund. I urge my colleagues and the American people to look for the truth, not rhetoric.

TRIBUTE TO REVEREND WILBUR N. DANIEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a great theologian, a great community builder, a tremendous humanitarian and a great American, Reverend Wilbur N. Daniel, pastor of the Antioch Missionary Baptist Church of Chicago for 42 years. Reverend Daniel will be best remembered as a fast start Baptist preacher who had the ability to electrify and move crowds in a matter of 2 or 3 minutes. He was a tremendous organizer and social activist who served as president of the Southside Branch NAACP in Chicago. He was chairman of the board of the Antioch Foundation, moderator of the North Woodrider Baptist District Association for 40 years, treasurer of the National Baptist Convention of America and chairman of the board of directors of the Highland Community Bank.

Reverend Daniel was born in Louisville, Kentucky, where he attended school and entered the ministry at age 25. His first pastorate was at the Macedonia Baptist Church in Gary, Indiana. It was while there that he enrolled at the Fort Wayne Bible Institute and then on to becoming one of the most learned theologians in America.

While a great preacher and spiritual motivator, Dr. Daniel was also a master builder and his church was an early leader in the building of affordable housing through its Eden's Green Development. He will be seriously remembered for helping to rebuild the Englewood Community in Chicago. When you drive through it, you will see new homes, senior citizen buildings, nursing homes, rehabilitated apartment dwellings, all put together by Reverend Wilbur Daniel and his 4,000-member Antioch Missionary Baptist Church.

Please do not think that Dr. Daniel relied upon the spirit alone. He was an astute politician. He was Republican, Democrat, Independent, making use of everybody to build houses and develop communities. A visionary who encouraged social activism, civic involvement, union organizing, outreach programs for the needy and recreational activities for youth. He built a Christian academy and brought more than \$25 million of Federal housing money into the Englewood Community. Condolences to his sons Wilbur Jr., Ricky Eugene and two grandchildren. A dreamer, a man of vision, a worker, a leader, a good neighbor, a good friend, and a great American, Dr. Wilbur N. Daniel.

REPUBLICAN BUDGET PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, we are at a real interesting time. We are in the home run stretch of the legislative session. We are in a position on the budget that we are negotiating with the President because of three different reasons. Number one, we had the 1997 budget agreement. That agreement was a bipartisan agreement, over 300 Democrats and Republicans alike joined forces to say, let us put some fiscal order, some discipline in this place. The President signed off on it. Now even though it is a bipartisan agreement, it seems like only one party is responsible for carrying out that agreement. That party is the Republican Party.

Number two, we do not want to spend Social Security money. Now, do not take my word for it as a Republican. This is John Podesta, the Chief of Staff at the White House. He works for Bill Clinton. Here is his exact statement: "The Republicans' key goal is to not spend the Social Security surplus." I am glad, suddenly the White House is saying things right and we are very glad about that. Indeed, if you look at this smaller chart, that is exactly what we have been able to do. In the past, the Democrat controlled Congress and under Republican control, Social Security money has been taken for general purposes. But this year, zero. A historic moment. We have not raided Social Security. Very important.

The third reason we are in this position is that the President had promoted a tax increase as a way to fund a lot of new programs. On a bipartisan basis, this House, 419-0 voted against increasing taxes. So right now we are in a situation where the only way to continue the 1997 budget agreement and not raid Social Security is by reducing spending a mere one cent on a dollar.

I am a father of four, Mr. Speaker. I have two teenagers and two smaller children. We have to every month sit around and decide are we going to fix the washing machine, are we going to buy new tires. I guess we will have to postpone that vacation or that trip to Atlanta one more time in the fancy hotel, but we are used to doing that. But when Libby and I sit around the table and cut our budget, out of \$5, we have got to look for 2 or \$3. All we are saying to the Federal Government is cut out a nickel out of \$5 or one cent out of \$1. We have heard from Democrats tonight, that cannot be done.

Let me give my colleagues a few suggestions. The FDA has a pizza inspection program. If you buy cheese pizza, the FDA inspects it. But if you buy pepperoni pizza, the U.S. Department of Agriculture inspects it. I do not know, but in the private sector we would say, let us combine that. Or how about this. The President went to Afri-

ca with 1300 of his closer Federal employee friends, spent \$42.8 million. Or how about when he went to China, he spent \$18.8 million and took 500 of his closer friends. Cutting out 1 percent would mean 50 of them would have to stay at home the next time he goes to China. The next time he goes to Africa, 13 would have to stay at home. That does not sound so bad to me. But we keep hearing how harsh this is.

How about the program in Washington, D.C. where the Federal Government spent \$6.6 million on a staffing company to help the government get people from welfare to work, \$6.6 million and they were supposed to place 1500 people. One year later and \$1 million later, they had only placed 30 people out of 1500. They spent \$1 million to do that.

□ 1930

That is waste. And, you know what? I would like to pop the bubble of the Democrats and the big spenders up here. The Federal Government does not have any money. Let me repeat it: The Federal Government does not have money. It is the people's money. We hard working taxpayers send our money to Washington. It is not the Federal Government's money, it is sent to them by hard working taxpayers. So I believe that we in Washington have to be very careful on how we spend that.

Now I want to say one thing that is just kind of interesting. Here is a statement by Secretary Babbitt when a reporter said is there no more waste in government in your department? Secretary Babbitt, who is Mr. Clinton's appointee for the Department of Interior, the guy in charge of the National Parks, he said, "Well, it would take a magician to say there was no waste in government." Amen to that. "We are constantly ferreting it out. But the answer is otherwise, yes, you have got it exactly right." From the President's own folks, yes, there is waste in government, and we can cut it out and save Social Security.

NO CLEMENCY FOR CONVICTED MURDERER

The SPEAKER pro tempore (Mr. KUYKENDALL). Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, the Leonard Peltier Defense Committee has announced that in November 1999, it is the Freedom Month for Leonard Peltier. I used to be a former police officer and I take this personally.

This committee intends to deliver to the President of the United States a petition asking him to grant clemency to Leonard Peltier.

Leonard Peltier is currently serving consecutive life sentences in a Federal penitentiary for the ruthless murder of two FBI agents. To commute the sentence of Peltier and allow him to be re-

leased would be a tragic injustice. The Members of the FBI Agents Association and the Society for Former Special Agents of the FBI want the President and all Americans to be aware of all reasons why clemency should not be granted to Peltier.

June 26, 1975, was a hot dusty Thursday on the Pine Ridge Indian Reservation in southwestern South Dakota when two young FBI agents arrived from their office in Rapid City. It was about noon when the agents pulled into the Jumping Bull compound area of the remote reservation seeking to arrest a young man in connection with a recent abduction and assault of two young ranchers.

Observing Peltier's vehicle, the two agents pursued it. Unknown to the FBI agents, one of the three men in the vehicle was Leonard Peltier, a violent man with a violent past. He was a fugitive, wanted for attempted murder of an off duty Milwaukee police officer.

Knowing these cars pursuing him were FBI cars, Peltier and his two associates abruptly stopped their vehicle and began firing their rifles at the agents. Surprised by the sudden violence, outmanned and outgunned and at an extreme tactical disadvantage, the agents were wounded and defenseless within minutes. One of the agents suffered a severe wound, having his arm blown off. The other agent was hit in the left shoulder and the right foot. Both agents were clearly at the mercy of Peltier and their associates.

Not satisfied with the terrible injuries that they had just inflicted, Peltier and the other two men walked down the hill toward the ambushed and wounded agents. Three shots were fired from Peltier's rifle. One of the agents was still conscious, kneeling and apparently surrendering, was shot in the face directly through his outstretched hand. He was shot right through his hand. He was trying to surrender. He died instantly. The unconscious FBI agent who was lying there with severe injuries was shot twice in the head at close range. He also died instantly.

Following the murders, Peltier fled the reservation. In November 1975 an Oregon state trooper stopped a recreational vehicle in which Peltier was hiding. Peltier fired at the trooper and escaped. But found within that recreational vehicle was one of the weapons from the FBI agent with Peltier's fingerprints on the bag which contained the weapon.

When later arrested in Canada by the Royal Canadian Mounted Police, Peltier remarked that had he known those were mounted police officers and they were there to arrest them, he would have immediately blown them out of their shoes. These are not the comments of an innocent man, and they portray a very violent man who, without mercy, assassinated two FBI agents.

Peltier in 1977 was finally brought to justice and he was found guilty on both counts of the murder of these FBI

agents. He was sentenced to two consecutive life sentences.

While incarcerated in a Federal prison, a rifle was smuggled in to Peltier. He shot his way out of prison and several days later, after assaulting a ranger and stealing his truck, he was finally recaptured. He was tried and convicted of escape.

Peltier has since appealed his various convictions on numerous occasions. Every time he appeals his conviction, the courts turn him down. The United States Supreme Court has had his case twice. They have turned it down twice without comment.

The record is clear: There are no new facts. These are only old facts, and they have not changed. This man is guilty of murder in cold blood of two FBI agents and he should not be released from jail, Mr. President.

Peltier openly states he feels no guilt, remorse or even regret for the murders. Peltier has lived a life of crime. He has earned and deserves a lifetime of incarceration. Peltier is a murderer without compassion or feeling for his fellow man and in turn he deserves no compassion.

Mr. President, there is no justification for relieving Peltier from his punishment. Our judicial system has spoken in this case again and again and again and again. Leonard Peltier is a vicious, violent and cowardly criminal who hides behind legitimate Native American issues. Leonard Peltier was never a leader in the Native American community. He is simply a thug and a murderer with no respect for human life. Our citizens on and off the reservation must be protected from murderers like Peltier.

Mr. President, since Leonard Peltier could not fool the Federal courts, he is now trying to fool you and the public. Do not let it happen. Turn down that request for clemency.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

THE COST OF EDUCATING OUR CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, I welcome my colleague from Colorado here tonight as we talk about educating our children.

The topic tonight came out of a process that for some of us began in 1995, where we began a process that was called Education at a Crossroads, where we took a look at the definition of education here in Washington, we took a look at what worked and what was wasted in the Federal programs,

and also what worked and what was wasted at the state and at the local level, and really came to a decision to review some of the information and the documentation that we gathered since 1995 based on a press conference that the Secretary of Education gave last week.

As many of our colleagues know, we are embarked on a plan this year for the second year in a row to try to make sure that we spend no Social Security dollars on general fund expenditures. It looks like we did that in 1999, or came very, very close, for the first time in 40 years, and what we want to do is duplicate that for 2000, so we have embarked on a plan that said we are going to look for a 1 percent savings.

Last week the Secretary of Education came out and said, "If you try to find a 1 percent savings in my department, you cannot find it. It is not there, and any reduction in expenditures in education will come off the backs of our children."

We went to the Education Department on Friday, and there are just two things that I would like everybody to remember as we put this in context, two things. If you remember only two things out of this whole night, other than that we are trying to save 1 percent, remember these two things:

The first is that the Department of Education's books are not auditable. The first is the Department of Education's books are not auditable. We will talk a little bit more about that. But we have got a secretary from a department that has responsibility for \$120 billion of taxpayer money, and he is blasting Congress. But when he goes back to his own department and three Congressmen go over there and ask him and his colleagues and say can you kind of tell us where and how you spend the roughly \$35 billion in appropriations that we give you on an annual basis and the \$85 billion of loans that the Department of Education manages, can you kind of tell us how you manage the taxpayers' dollars, the response is, "I am sorry, but for the last year that we had auditors in taking a look at our books, our books are not auditable."

It means they cannot tell you. The auditors cannot look at the books with any degree of certainty and say that the money that came from the American taxpayer, went through Congress, was entrusted to the employees and the leadership at the Education Department, they cannot tell us where or how that money was spent and that there is no waste, fraud and abuse.

My experience in the private sector tells me any organization that does not have the financial control systems in place to ensure that their books are auditable probably has some waste, fraud or abuse going on. So, number one, the books at the Department of Education, \$120 billion agency, does not have books that are auditable.

The second thing that I would like to just put in context, everything else

that we do tonight is in context of this secretary is going out and saying that this Congress is stopping the raid on Social Security on the backs of our children. Sorry, Mr. Secretary, even when we find that 1 percent savings in the Department of Education, this Congress, yes, this Republican-led Congress, has appropriated \$100 million more for the education of our children than what this President even asked for in his budget.

We recognize and we are willing to invest in our kids' education, but we are not going to invest in programs that do not work or that move decision making to Washington; or, Mr. Secretary, when we give you another \$100 million, you bet we are going to come down to your agency, we are going to help you manage your agency, because you have not been managing it, because you cannot even tell us where the dollars go.

I will yield to my colleague from Colorado, just remembering those two things in context: Their books are not auditable, and Republicans are investing more in education than what the President even asked for in his budget.

Mr. TANCREDO. I thank my colleague from Michigan. I wanted to just first of all tell him how much I appreciate his efforts as chairman of the committee, the oversight committee that is entrusted with the responsibility of, just as the name implies, overseeing government operations, specifically in the area of education. He has been diligent in that regard, and I just want to commend him for that. This is another example of where people like my colleague can truly make a difference for all Americans, for Americans all over the Nation.

As I listened to my colleague's reference to the Secretary of Education and how he responded to the request to reduce expenditures by 1 percent in the next fiscal year, and he said that that would be impossible, it could not be done, that if it happened, it would come off the backs of children, you have to think to yourself, really and truly what goes through someone's mind when they actually have to say something like that, when they know fully well that anyone listening, anyone, except perhaps other Members of the cabinet who have all been given the same script, they all say the same things, they cannot find the 1 percent savings. But what do they think America thinks when they say that? Does anyone out there believe that no one in the government of the United States can find 1 percent savings without hurting the actual people that they are given charge to take care of? I do not want to say take care of. Does anyone believe that cannot happen?

□ 1945

And with this happening at the same day, as I say, this is a script everyone must be getting. All members of the cabinet, I am sure, have been told that they have to say there is no savings.

Because if there is, if you say yes, there is a 1 percent savings, someone is going to say, you mean you have been presiding over a department that has had waste, fraud, and abuse? So they say no, it is not there.

The other day we were talking about this, and the Secretary of the Interior, Secretary Babbitt, said exactly the same thing almost word for word. That is why I say it seemed like it was scripted.

What was amazing about that was that at the same time that he was telling the people of the United States that there were no savings in the Department of the Interior, the deputy secretary was in the Committee on Resources telling the committee that they had lost \$7 million, almost simultaneously. One guy is up there saying there is nothing, no fraud and abuse, absolutely not, we cannot find a penny around here, while his undersecretary is telling us in the committee, yes, there is \$7 million bucks that is gone. I do not know, it has to be around someplace. I am sure we will find it before too long.

This is the bizarre nature of Washington, D.C., Mr. Speaker. This is the only place where discussions like this can be actually carried on, where people can say things like that.

Mr. HOEKSTRA. Mr. Speaker, I just want to reinforce what my colleague is talking about. This message has gone across to all cabinet levels, the same message, we cannot find 1 percent. While the Secretary of the Interior is saying, we cannot find 1 percent, his deputies are saying, I am sorry, we lost \$7 million.

Mr. TANCREDO. That is correct.

Mr. HOEKSTRA. And \$7 million is real money. It is the same thing we have in the Department of Education. Secretary Riley is saying, we cannot find 1 percent. If we go to his department, as three of us did last week, and we talked to his chief deputies, they are saying, we are sorry, we cannot audit the books. What is worse, finding out you lost \$7 million, or finding out you did not know where the money went?

My guess is that as we go through the Department of Education, again, as we talk about some of the other discussions that we had at the Department of Education, I think we will find that the money is there to be found if we put in place the stringent financial controls.

What always amazes me, and I think my colleague also had this kind of background, when we talk about stringent financial controls, I am sorry, but every day every small business, every publicly-held company, every Fortune 500 company, they have auditable books each and every year. This is not brain surgery. There are people who do this every day, and they do it for a living.

We are just asking an agency that manages roughly \$120 billion a year to please be careful with the taxpayers' dollars, and at the end of the year,

please be able to tell us where they spent it.

There is another whole discussion, and this is much of the debate we are having on education today, because once we find out where it goes, then we will have the other debate which says, tell us how effectively that money has been used: Did we actually improve students' learning? But this is on a much more basic level, just tell us where the money went.

Mr. TANCREDO. If the gentleman will continue to yield, Mr. Speaker, as I understand their response when they were asked about the auditability of the books, they said, well, we cannot do it because, among other things, all of the auditors over the last couple of years keep pulling out. The most recent has pulled out and said, we cannot do it. Am I correct?

Mr. HOEKSTRA. Reclaiming my time, Mr. Speaker, what they told us was that in 1997 they had an accounting system. My other colleague here, the gentleman from Colorado, was with us. I think this was what we heard. My colleague will correct me if we do not get it exactly right. What we heard was that in 1997 they had an accounting system. They decided to transition into a new and improved accounting system.

As they started implementing this new system in 1998, they implemented it and they found out that there were a number of problems: security clearances, duplicate payments, perhaps unrecorded payments, and those types of things. So they went back to the vendor who had developed this system for them. Basically this vendor had pulled out, withheld support for this new accounting system.

Now, what is the Education Department doing? They have unauditible books for 1998. They are now in the process of soliciting companies and accounting firms to develop a new accounting system which they hope will be in place by 2001. So until 2001, we are going to limp along with this current system.

So in a period of 5 years, we will have gone through three accounting systems: the original accounting system, which was operational in 1997; the one they bought and paid for in 1998, and no, they could not tell us how much they paid to get this new accounting system; and now the one that is anticipated to be online by 2001. There were three accounting systems.

I come back to the fact that this agency is entrusted with managing \$120 billion, this is with a B, not with an M. This is \$120 billion per year, and they cannot tell us where the money goes.

I yield to my colleague, the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. I appreciate the gentleman yielding. In another life I was the regional director for the U.S. Department of Education in Region VIII. I was appointed to that position in 1981. I was charged with the responsibility of trying to reduce the size of

the Department to more accurately reflect its responsibility under the Constitution. As the gentleman knows, we can search the Constitution in vain to find some responsibility for the U.S. Department of Education. It is not there.

So we set about a task to, as I say, reduce the size. When I came in in September of 1981, there were 222 people, if memory serves me right; here there were 220-some people employed by the U.S. Department of Education in the regional office, Denver, Colorado, Region VIII. That was astounding to me. I had been a teacher before that. I was in the legislature. I was chairman of the education committee. We did not know there was a regional office of the U.S. Department of Education. They had absolutely no contact with real life, 227 some people.

It took us about 4 years, and we went through a series of budget cuts and transfers, and we went from 220-some people down to around the mid sixties, 65, an 80 percent cut.

I used to go out and speak to each one of the State Departments of Education in the six States for which we had responsibility which had some interaction with the department, and for every single one I would say to them, we have gone down 80 percent in the regional office. Have you been able to tell the difference? No one, no one ever said, oh, yes, I can tell there has been some change in efficiency. No. No.

Do Members want to know what else? If we had gone to zero, they still would not have known the difference. This is in a department that claims there is no waste. We went from 222 to 60-something, and nobody knew the difference.

Mr. HOEKSTRA. Reclaiming my time, Mr. Speaker, again, this is about taking the money, taking a look at the \$120 billion. Like I said, let us clarify, this is about \$85 billion in a loan portfolio that the Department of Education is responsible for managing, and about \$34 to \$35 billion in annual appropriations, and for 1998, those books are unauditible. We do not know what will happen with the 1999 statements.

My colleague, the gentleman from Colorado, and I went down there on Friday. We met with a number of the employees and some of the leadership at the Education Department. They were very hospitable. We gave them roughly a day's notice. We let them know on Thursday that we would like to come down and meet with some of them.

They were very gracious and they were very knowledgeable. They were very helpful when we came there on Friday morning. I think we had a very fruitful discussion with the leadership. We asked them about the auditability of their books. That is where we heard about the five different or the three different accounting systems that are going to be in place over a period of 5 years, and maybe my colleague, the gentleman from Colorado, would like to share some of the other things we

talked about. I yield to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for yielding. I just want to paint a picture for my colleagues about what occurred on Friday.

It was just a few days before that that the White House convened a press conference and assembled all of the Secretaries of the various cabinet level agencies. They were paraded in front of the TV cameras, and gave their opinions about this effort to save one penny out of \$1, or actually a little less than one penny on \$1 to help rescue the social security trust fund.

The goal, of course, is to try to get all Federal agencies to reduce spending, or actually, to reduce the increase in spending by approximately .97 of a percent.

The Secretary of Education suggested that this was an impossibility; that in their \$35 billion fund, that they could not come up with that one penny out of \$1 in savings to help the Nation and save our social security program.

He also made some other comments, that the Education Department was a lean, efficient operating agency, and that they are as efficient as they can get. We just cannot come up with less than 1 percent savings without hurting children.

The gentleman and I and other Members of Congress, we have children who are in public schools. We care deeply about the quality of education. The last thing we want to see is this effort to try to save money to fall disproportionately on the backs of America's children.

We just do not buy the notion that that has to be the case, that the Department of Education is incapable of finding the administrative savings, the bureaucratic savings and the savings through the creativity in financial improvements of saving these dollars so we can help children. That is the message we took to the U.S. Department of Education.

The rest of Congress adjourned or went back home Thursday evening after we had finished the week's business. We essentially had the day off. The three of us stuck behind and decided to head down to the Department of Education offices.

We literally walked right through the front doors and started going office to office asking people about their jobs, what they do, what kinds of functions they serve.

We met with the finance officers. Before we go into some of the details on that, I just want to point out that the gentleman's description of our reception is entirely accurate. We had just a wonderful assembly of individuals there at the Department of Education. I am talking about the rank and file people who are working every day on these programs.

They care deeply about the country. I walked into a number of office spaces and there on the desk would be the pictures of some of these folks, some of

their kids. I would ask, how old is your daughter? How old is your son? Where do they go to school? These are folks who care about the future of education of America.

They also care about the solvency of our country and the security of our social security programs, our retirement programs. They understand that this is a job that entails the entire government pulling together.

So when we asked that question, do you think you can help us, do you think you can help us find that one penny out of a dollar to help balance the Nation's budget and run the country according to the promises that we have made to the American people, nine times out of ten the individuals we spoke with said, well, we are certainly willing to try.

We handed out lots of business cards. These are folks who I think if we are able to, as rank and file Members of Congress, to reach around the partisan level of disagreement that takes place over in the White House and at the Secretary level at the Department of Education, if we can just reach right around all of that political nonsense across the aisle to those who are on a day-to-day basis working hard to run the Department of Education, I am convinced as a result of that visit that we can accomplish this job. We can save a penny on a dollar and do it without harming the education of our children.

Mr. HOEKSTRA. Reclaiming my time, Mr. Speaker, it is interesting, we had that dialogue with the management and the employees of the Education Department for about 2½ hours on Friday morning. It was very interesting, I do not know if the gentleman read some of the comments, but in my papers back home some of my colleagues on the other side characterized, and get this, this is three Members of Congress going to the Education Department, being very warmly received, talking to the leadership, talking to rank and file employees.

I think the gentleman is absolutely right, if they were given the challenge, and I think we asked the leadership, have you gone through and seen how you would find 1 percent, and kind of got this glazed-over look from the leadership of the Education Department. But when we talked to the rank and file Education Department employees, do you think you can help us find 1 percent to make sure that we do not decrease by one amount the penny that is going into the classroom, they were very excited about that kind of an opportunity.

The characterization of Members of Congress talking to employees within the Department, it was characterized as being like storm troopers. It was kind of like, I do not think so. I do not think that is the response we got at all, either.

The Department of Education employees, we were talking to them about how they hand out the grant fund. The

gentleman and I have been working on this process. I have been working on this process. We issued a report in 1998 in the subcommittee called Education at a Crossroads.

This report came out in 1998. It highlighted not the inefficiencies or the waste, fraud, and abuse, just because they are not doing the basics, but it was taking a look at some of the things we could do better.

That is, we identified that of every Federal education dollar that is sent out, 35 to 40 cents of that is wasted in bureaucracy. It is kind of like we in Congress create a program, we have to tell the local people that the program exists, they apply for the program, we review the application, we write a check, they cash the check, they spend the money, they report how they spend the money, the Federal government has to audit it because we know we cannot trust the local people, and when we cut through all of that, it is kind of like, there goes 35 to 40 percent out of that.

It is not necessarily all Federal money, some of it is State or local money, but it gets to be a very expensive process. So we know that there are savings there. We are very willing, and this, I think, was the message we gave to the Education Department, help us find the 1 percent, or help us find 10 percent, and we will not take all that 10 percent and drive it into a surplus. Help us find 10 percent so that we can take that other 9 cents that you find and drive it into a classroom where it really makes a difference, and take it out of bureaucracy. I think they are just as willing to do that as they are to find the 1 percent for social security.

□ 2000

Mr. SCHAFFER. Mr. Speaker, the description of the gentleman from Michigan (Mr. HOEKSTRA) of the way the Secretary of Education characterized the action of three Members of Congress going down to their building and talking with rank and file employees as storm trooping.

Mr. HOEKSTRA. Did the Secretary actually say that?

Mr. SCHAFFER. Mr. Speaker, he called that a publicity stunt was his words, that this was a publicity stunt.

It is remarkable because what you have going on here in Washington is just a handful of the education elite in the White House and in the Department of Education that want to control the entire national message on education, not only the terms of improvement for America's education system, but the terms of quality, the terms of spending and all of the rest.

I think they feel threatened somewhat when people like the gentleman from Michigan and I and other Members of Congress who have children and care deeply about the quality of education around the country physically go down there to their offices and talk with the rank and file members. I think this threatens somewhat their

ability to control the message. So if it threatens the message, so be it.

Mr. HOEKSTRA. Mr. Speaker, the bottom line that we found out, which we suspected because GAO was reporting earlier this fall that this was going to be the case, for the Secretary to come back and call something a publicity stunt. I talked to my staff about what was going to happen after we came back. He said, well, you can bet that the other side, since they cannot talk about the issue, they are going to just holler and scream and start pounding the table.

If I were them, I would holler and scream and pound the table and scream, because if they are not holering and screaming, they are going to have to answer the one basic question, which I did not see reported anywhere: Mr. Secretary, you are managing \$120 billion, why are your books not auditable? Why are you holering and screaming at Congressmen?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUYKENDALL). The gentleman should direct his comments to the Chair, not to others.

Mr. HOEKSTRA. Mr. Speaker, I thank the Chair for that guidance.

Mr. Speaker, addressing the gentleman from Colorado (Mr. SCHAFFER) here, the question that that Congress can and should be asking is: Mr. Secretary, why can you not answer the question of where the money went? What have you done with \$120 billion?

I think that, as part of the Subcommittee on Oversight and Investigations, those are the kinds of questions we will ask over the next 2, 3 weeks, 2, 3, 4 months. The gentleman from Colorado, as a member of the subcommittee, knows that we have been dealing with this issue with the Corporation for National Service for 5 years. For 5 years, they have not had auditable books. Now, some would say, well, that is only a \$600 million, \$700 million agency, why worry about it? Back in Michigan \$600 million, \$700 million is still a lot of money.

The Department of Education, there is \$120 billion. But the Secretary would get up and pound the table because he cannot answer the basic question as to why are your books not auditable? We have given you \$120 billion. We have entrusted that to you. You cannot tell us where the money went.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, the frustration that was expressed to us just by the finance leaders in the Department of Education was very evident, particularly within the context of this contracting transfer for the contractors that are setting up the audit system. They had abandoned the old audit system just a few years ago and are now in the middle of transforming their entire financial system.

The contractor who was supporting the service took a hike, I suppose. The way it was described to us, they de-

cidated to no longer provide support service to the Department of Education, so, therefore, the Department of Education is now looking to a second vendor, third vendor, I guess, to run a third accounting system and accounting process. That will take place they said, I think, in 2001.

So over the span of a 5-year period, they will undergo three different accounting systems. Again, I think the rank and file type people that we met with, they certainly sympathize with the concern that we have as Members of Congress and understand that there is a legitimate question about the auditability of these books and realize that they need to come up with an answer very, very soon.

But in the intervening time period, there is no doubt at all that there are too many questions that go unanswered, particularly at a time when the dollar amount is very, very relevant. We need every spare penny to help make good on our promise, to balance the budget, and do it in a way that honors our commitment to save the Social Security Trust Fund.

They realize that they are a big part of the solution over there. But as long as their books cannot be audited, as long as their funds are being parked, to use the exact term that was used, being parked into accounts to the tune of hundreds of millions of dollars, and not to mention the issue we discovered of the duplicate checks, duplicate checks were being signed to different universities and different recipients around the country, as long as these kinds of accounting glitches are occurring on a day-by-day basis and the books are not auditable, they realize they have a problem.

It almost suggests that the answer we heard from the Secretary and the President was not a reasoned one, not a sensible one, but a defensive one, that, no, we do not have a penny in savings that we can find over here. It is not here. Do not look here. Our agency is as clean as effective as can possibly be, and we are not going to help.

That is why I say I think the Secretary is genuinely threatened. I think it is unfortunate the response we have seen coming out of his office was as caustic as it was. I think that what we represent is a part of a team that is exhibiting a good faith effort to reach out to the Executive Branch of government and help these folks find the one penny in savings for every dollar in expenditures that is necessary in order to run an efficient and credible government.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time, I think what message we clearly sent last week was really twofold. Number one, we are going to help find the 1 percent savings and make sure we do not raid Social Security. The second thing is we are going to help come in and find the other inefficiencies and the other management deficiencies in this Department to ensure that we get maximum leverage on the \$120 billion that we

give them each and every year to make sure that that money actually helps kids learn.

If they cannot find 1 percent, if they cannot produce auditable books, it is kind of like what they always say, we are the Federal Government, and we are here to help. It is kind of like, Mr. Secretary, we are here to help. It is part of our responsibility.

The gentleman from Colorado and I are part of the oversight subcommittee. We are held responsible by the House to ensure that the funds that are given to Federal agencies are actually used in and accomplish the goals and the purposes that Congress mandates by law.

Let us talk about some of the things that we found when we talked about them, and that is the grant back fund and the duplicate payments and those types of things. But before we do that, let us just go back. Some have said, well, this is a new effort now. The Secretary comes out on Tuesday, talks about these kinds of issues, and, all of a sudden, now Republicans are interested in education. Wrong.

In 1995, we started the first hearings that led to the Education at a Crossroads report which we published in 1998. The hearing cycle began in 1995 and continues to this year. We have been in Chicago. We have been in Milwaukee. We have been in Wilmington, Delaware. We have been in Milledgeville, Georgia. We have been in San Fernando, California. We have been in Phoenix. We have been in Napa, California. We have been in Louisville, Kentucky, the Bronx and New York, Cincinnati, Little Rock. We have also done a lot of work in investigating the expenditures here in Washington.

The gentleman from Colorado remembers when we went back. One's tax dollars at work were kind of an interesting highlight of this report. We highlighted it. Remember, the Department of Education, one of its primary responsibilities is to help those kids who need help the most, to help them to learn, to read, to help them to learn, to do math.

The Department of Education's office of Special Education and Rehabilitative Services, what do they think is one of their primary missions? Close captioning is provided for, and this is a quote from one of their reports, diverse programs such as, this is the Federal Government, our Department of Education paying for close captioning of Bay Watch, Ricky Lake, the Montel Williams show, and Jerry Springer. Good wholesome, all American programming. I guess I understand why they provide close captioning for Bay Watch. My understanding is most people watch that with the sound turned off anyway. But that is where some of our Federal education dollars go.

Here are some of the educational publications from the Department of Education: Cartoons, the title of which is the Ninjas, the X-Men, and the Ladies; Playing With Power and Identity

in Urban Primary School. We talked about this earlier at a press conference.

Another educational publication is the Bakery Industry. This is their title, Lesson Plans Prepared For Car Grocery Employees. The lessons focus on topics from the workplace in the following areas: Bakery, cake orders, courtesy clerk, and sushi bar, 96 pages long. I am partial to bakeries, my dad was a bakery, but I am not sure this is a high priority program.

Fifth Grade Pipefitters, another leading edge educational department program. Building workplace vocabulary for pipefitters, compound words, 27 pages. I like this one. They are great.

They did one for the cement industry. Care to guess what the name of that is. This is for the cement industry. Title: A Concrete Experience, A Curriculum Developed to the Cement Industry.

I love this one. Donna Reed; Channeling Your Donna Reed Syndrome, a manual on stress management for the workplace, 20 pages long.

This is not about whether we can find 1 percent, it is about whether there is the Commitment to go through the over 200 programs at the Department of Education and to decide to focus on what is right and what is not necessary.

Remember the two contexts that we are debating this in and talking about tonight is the Department of Education, their books are not auditable, and this Republican Congress has actually allocated and approved more funding for the Department of Education than what the President had in his original request.

We are willing to fund education; but at the same time, we are going to hold that Department accountable for the \$35 billion that it receives in annual appropriations. That is kind of the context, saying these kinds of things have been going on in the Department of Education.

We identified those from 1995 to 1998. We issued the report in 1998. Now, in 1999, we find out that their books are no longer auditable.

Then maybe we want to talk a bit about the grant back account.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, the grant back account is one that, well, I think the best way to describe it is to just go right to the internal report that is circulating in the Department.

Mr. HOEKSTRA. Mr. Speaker, reclaiming my time for a minute, when we talk about the books are not auditable, this is not a couple of Members saying, hey, we do not think the books are auditable. It is their own chief finance officer, their own Inspector General saying they are not auditable. The same thing, we use words from the people in the Department of Education. So these are not allegations made by Congressmen, these are people within the Department making these kinds of statements.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, just to be clear on what this fund is, this is a fund where various payments are made out of the Department of Education to universities, other programs, States, and school districts directly, I presume, other grantees that are selected to provide the specific services to the Department. These funds are expended and then, perhaps, not drawn down entirely or spent in a way that does not meet the definition of the original grants, so these funds come back to the Department of Education, and they are held there.

A certain portion of them at some point in time are eligible to go back to the States or back to the programs in question. Any unused portion is supposed to go to the United States Treasury, back to the American people.

So one can see there is a lot of money moving in and out that is of an indirect nature, and this fund almost lends itself to a certain amount of suspicion. It was described to us that, while we were at the Department of Education, that money is parked in this fund on occasion, meaning that there is a positive balance and presumably, at some points in time, according to their own memos, a rather large balance on occasion.

Even though those dollars in that fund may not be in and of themselves spent on other purposes, the very fact that the Department of Education is able to show a large positive balance of cash on hand means that they are allowed to make all kinds of other financial commitments and maneuvering within the Department.

□ 2015

So that is why we raised the question and why we looked at that fund.

But I think, Mr. Speaker, the real evidence of the need for concern by Congress comes right from a memo that we received from the Office of the Chief Financial Officer within the Department of Education, and here is what he says about this particular fund. He says, "Education's fund," education being the Department of Education, "Education's fund balance account includes \$712 million that it cannot identify with any specific program. As stated in the following two paragraphs, these unidentified funds have accumulated since fiscal year 1993 due to adjustments made to its grant program accounts. For example, during the fiscal year 1996, Education made adjustments to approximately 155 of the 184 grant program accounts."

So, again, of the 184 grant programs that are on their list, they made adjustments to just about all of them, 155 of them, all but 29 of them, and the result being that money comes back to the Department of Education and is parked in this account. We just simply think that, based on their own chief financial officer memos, the questions and the answers that we issued and the

answers we received on Friday, we think this is one legitimate place, not the entirety of our scope of concern, but this is one legitimate place where the Congress ought to look to see if we can find the savings that are represented by this one penny out of every dollar in government expenditures.

We are trying to save that one penny. Again, when we went to the financial officers, who are charged with managing this fund, because we think there are still a lot of questions that are unanswered, very clearly from a staff to congressional level basis there is a very clear willingness to clear up the account, to try to find any savings that we can and to help our project of giving dollars to the classroom rather than having it hung up in these questionable accounts in Washington, D.C.

Mr. HOEKSTRA. If we go to take a look at that report, I believe that is also the report that says of the \$712 million that were in that account at the end of 1996, only \$12 to \$13 million were actually in the account based on what the account was set up for, and that the balance, the other 98 percent of the money had found its way into this account with no relationship to the intended purpose of this account. Is that accurate?

Mr. SCHAFFER. That is what their chief financial officer states. He says, "The grant back account balance as of September 30, 1996, is approximately \$725 million, of which \$13 million is true grant back activity and \$712, as stated above, is unidentified funds not related to the purposes of this account."

So here, not in my words or the words of the gentleman from Michigan, but in the words of the chief financial officer within the Department of Education, \$712 million, as stated above, is unidentified funds not related to the purposes of this account.

Now, we did not go charging any kind of malicious intent with these dollars, or suggest that there is fraud or deliberate abuse of these funds, merely that in an agency with an annual appropriation of \$35 billion, it is possible that lines of communications occasionally get crossed and that there are funds where dollars are being parked. And at a point in time when we are trying to save that one penny out of a dollar, this may be a good place to look.

Mr. HOEKSTRA. Reclaiming my time, when the chief financial officer says we have this account established that has over \$700 million in it, only 2 percent of which, only \$12 million, is in that account based on why that account was set up, meaning roughly \$700 million found its way into this account through some other reason, when we combine that with the fact that that is 1996; that 1998's books are not auditable, we have just asked some, I think, very legitimate questions. How much is in the account today? And the estimate was, well, this account today has in it somewhere around \$189 to \$200 million. So as of today, or at least as of

Friday there was still \$200 million in that account.

We have asked the General Accounting Office to go to the Department of Education and ask some very basic questions, which I think we as Members of Congress, representing the American people, are entitled to some answers. We have asked as colleagues, and as the chairman of the oversight subcommittee, I want to know where that original \$700 million came from. Under the anti-deficiency act, no Federal agency is entitled to carry dollars over from year to year to year. I want to know where the decision was made that these dollars, \$700 million, did not fall under the Anti-Deficiency Act, and that they should have been returned to the Treasury at the end of every fiscal year, where did the Department get the authorization to keep that money at the Department of Education? Now that it has gone from \$700 to \$189 million, where did this \$500 million go? Is the tracking there? Under whose authorization, under what congressional authorization did this \$700 million get whittled down to \$189 million?

We are talking about real money here. This is \$500 million. We have a legitimate right to know. And maybe when we go through this whole process, the Department of Education will have a very reasoned approach to showing how they got from \$700 million to \$189 million. But when we have these kinds of questions in place about the money being parked inappropriately or in a fund that was designed for another purpose, when we have a department that has un-auditable books, and when we have at least an appearance of a violation of the Anti-Deficiency Act, there are some questions that should be asked and the Department should be held accountable for and that they should respond to. And we have set those wheels in motion to try to get the answers to those kinds of questions.

And, Mr. Speaker, I yield to my colleague.

Mr. SCHAFFER. I think the most disappointing aspect of this whole question that we have raised, and the challenge that we have put to the Department of Education is the instantaneous reflexive response from its secretary and from the White House saying we cannot find any efficiency savings in the Department. It is just not there. It is impossible. Stop looking. Go look somewhere else. And to continue to insist we can squeeze one penny of savings out of every dollar of expenditure means we have to hurt children, I think, is the wrong attitude and the wrong approach to take.

I think the American people expect better of people in Washington.

Mr. HOEKSTRA. I was going to give an example of doing better, and one example of this administration thinking that they can do better.

Under the National Performance Review process, which was designed to streamline government, and maybe

this was the example the gentleman was thinking of using, but the Federal Education Department does not educate kids, what it does is it hands out money. And they hand out money based on school districts applying and then the Department of Education giving out grants.

Under Vice President GORE's National Performance Review, they did do better. They took a look at how this process works, the discretionary grant process, and they found out that if a school district or an educational entity applied for a grant, it took 26 weeks to get processed and it took 487 separate steps from start to finish.

So if a school district is all excited, or is really concerned because they have identified this issue or problem that they need to deal with, it was kind of like, hey, the Federal Government has this program out here, let us apply for it. Twenty-six weeks later and 487 steps later they might have gotten their answer and they might have gotten a check. Well, they improved that. It now only takes 20 weeks and 216 steps. So if school starts in September, and that school has got some creative teachers who have got a program they would like to propose or whatever, maybe by the beginning of the new year or the second semester they might be able to have an answer to the grant request.

I yield to my colleague.

Mr. SCHAFFER. I was intending to go back to the memo that the gentleman and I received just last Friday. After our visit, the Secretary sent the memo addressed to the gentleman and myself, and it suggests that our questions into this whole slush fund, as the term had been used, is unwarranted.

First of all, he says, "The account was used as a clearing account to make adjustments. The Inspector General never called this a slush fund." So since the Inspector General does not call it a slush fund, therefore, according to the memo, it does not exist.

But the Secretary goes on and says, "The Department is legally prohibited from obligating funds for new activities from these accounts." Again, pointing out that those funds may not be spent out of the account on other things. But parking hundreds of millions of dollars of cash in that account creates a false-positive balance in the overall books that allows other expenditures to take place. This is the point we are raising.

But just listen here to the shallow defense that is put up, or the defensive posture I guess that is represented in the memo the Secretary uses when he writes to the gentleman and myself. "Most, if not all, Federal agencies maintain 'clearing accounts' in which funds are held temporarily prior to final allocation. Balances in Education Department's clearing accounts primarily are the result of currently unreconciled differences in other departments' accounts. These balances ultimately either are reclassified to

the appropriate account or in some cases returned to the Treasury."

Once again, the answer is, well, other agencies do this. This is a pretty typical thing in government, therefore, it is okay for the Department of Education. He goes on. He says, "Over the past few years, our Inspector General has worked closely with the Department and independent auditors to further improve controls over these and all other department accounting and financial management systems and procedures." Well, what that sentence tells us is that the Department of Education realizes it may have a problem with respect to this account. They have had their own Inspector General working to, as he says, "improve controls over these and other department accounting and financial management systems."

And, finally, I would just point out that he says "The Department currently maintains three clearing accounts." We only investigated the one, but he says that there are three. There is not just the big, the rather large, grant back account, which in 1998 was \$594 billion.

Mr. HOEKSTRA. \$594 million.

Mr. SCHAFFER. Sorry, \$594 million. In 1996 it was \$712 million. The Secretary claims now that the fund is at \$189 million. But there is this short-term clearing account and there is another one called a long-term clearing account, and the Secretary suggests that there is \$41 million on hand there, for a grand total of \$228 million, according to the Secretary's analysis that he was able to scrap together on Friday.

The point being, even if we are wrong, the fact remains there is \$228 million sitting in three clearing accounts over at the Department of Education, which is, coincidentally, close, not exactly to the dollar figure, but close to the 1 percent savings we are trying to get at.

So we may not be able to find the whole penny in this account, but I am sure if the gentleman and I were able to figure this out within the course of a couple weeks of investigation and discussion with other members of the Secretary's staff, by the time we all worked cooperatively together to realize that this is an important legitimate national goal, to secure savings and put dollars in the classroom rather than leaving them tied up in Washington, that we can find that one penny savings.

I think we are well on our way in the research we have done. And the visit that we initiated on Friday is a good step in the right direction and offers some real hope and promise that we will be able to get this job accomplished.

Mr. HOEKSTRA. Going back to the letter my colleague was reading, the Department clearly knows that their financial controls were lacking, when they say the Department has worked closely with their Inspector General. It

is obvious they have not done a good enough job.

In 1998, the last year they tried to audit the books, the books were still not auditable. Perhaps in this one account we can find a good portion of that, but then we still cannot take away what is in this report. Paying for Jerry Springer, paying for a process that takes 20 weeks and 216 steps.

Mr. SCHAFFER. There really are two points upon which we need to focus in order to accomplish the job of truly making the Department of Education an efficient and lean organization for the benefit of children. One is the financial structure of the Department, which is cumbersome and it is boring to a lot of people. It is not exciting. But that is where a lot of the money is.

But the second, which the gentleman has focused on, are the policy-related decisions.

□ 2030

There are many functions of the Department of Education that we frankly do not need that, as I commented Friday when we came back here, there are good, hard-working, conscientious folks that are working in some of the offices that we visited. But frankly, there are a handful of offices and programs that the Department maintains and runs today that, despite the best of efforts, they are not essential.

I hate to say that to some of the folks that are employed by these programs. They work hard at the task that has been given them. But if we ask an average teacher around the country, those who teach my children and those who are in schools anywhere in America, whether some of these programs that the gentleman from Michigan (Mr. HOEKSTRA) mentioned just a few moments ago are important when stacked up against the classroom level needs that these teachers have in their classroom, I think nine times out of ten a teacher, certainly a principal and an administrator, is going to pick the money to the classroom rather than the money to the Government program in Washington.

Mr. HOEKSTRA. Mr. Speaker, that puts us right back to what the Republican agenda has been and like we said when we began this. The two parameters are, number one, their books are not auditable, so we are going to be able to find the waste, fraud, or the savings in the Department. I am not concerned about that.

But then that moves over into the policy debate. And remember, Republicans have put more money into education than what this President even asked for. So it is not about money. What it is about is policy, how is that money going to get to a local school, how is it going to get to a local teacher or to a local classroom.

My colleague and I just participated in, number one, we said last year and we are going to work on it again this year is that we want to put 95 cents of every Federal education dollar into a

local classroom so that a teacher can use that money to help educate a child.

The second thing that we want to do, and this is where we really had the two different worlds of education policy two weeks ago, the ESEA, the Elementary Secondary Education Act, which is a Washington mandate model that says you will use this money to do these types of things and we are going to measure you and hold you accountable, versus the process that you and I very much support, which is what is called Straight A's, which is, in exchange for the States coming back and getting a great degree of flexibility, we will hold them accountable, not for what the other bill does, which is measures process, did you fill the forms out correctly and did you use the money for what we intended it for, we allow the States and allow the local school districts to take the money and use it on what they felt was most needed in that school, if it was technology, if it was reducing class size, if it was teacher training, if it was additional materials for the classroom; and in exchange for that flexibility, the State would be held accountable not for filling out the process, but for improving the educational achievement of every student in the State.

So the Federal Government would reach into a contract with the States and focus on academic achievement rather than a process oriented system.

That is what this is all about. It is about educating kids. That is why we are going over to the Department of Education and saying, we are sorry, a department that manages \$120 billion a year that does not have auditable books is not doing a good enough job helping our kids get a good education, a department that perhaps maintains some of these questionable accounting practices really is not doing a good enough job.

We have not even talked about the duplicate payments.

Mr. SCHAFFER. Mr. Speaker, no, we have not talked much about that either.

Mr. HOEKSTRA. Mr. Speaker, this is I think maybe perhaps one of the sadder moments when we were sitting down with the leadership of the Department of Education and we asked about duplicate payments and they said, we are aware of one. And we kind of pushed them on it and they said, well, there might have been a couple. And then we hauled out again from I think their chief function officer document that we said the head of the bullet points were examples of duplicate payments, 40 million, 4 million, 296.

I know that went to the State of Colorado or the University of Colorado.

Mr. SCHAFFER. Mr. Speaker, they sent it back.

Mr. HOEKSTRA. Yes, they sent it back. But these were examples and they were only telling us about a couple. So, again, this is another thing that we have asked for is, give us a listing of all the duplicate payments

that were made under this old accounting system and did you recover them.

Because maybe some schools maybe did not know they got a duplicate payment and so they maybe spent it, and now all of a sudden they have got to be put on a repayment schedule to get the money back.

Sloppy fiscal management is not in the best interest of anybody. It is not in the best interest of the taxpayer. It is not in the best interest of the Department of Education. And it is not in the best interest of local school districts, either.

Mr. SCHAFFER. Mr. Speaker, to go back to one of the remarkable quotes that my colleague referenced a little earlier, I do not want to name the Member in particular, but one of our colleagues blasted our visit to the Department of Education. He said in the quote, and this is an AP story, he blasted our efforts as "storm trooper tactics" of the three Republicans who visited Friday on the Department of Education.

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman from Colorado (Mr. SCHAFFER) for participating in the special order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Mr. GEPHARDT) for today on account of family medical reasons.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on account of family matters.

Ms. CARSON (at the request of Mr. GEPHARDT) for today and November 2 on account of official business.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today and November 2 on account of business in the District.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of family medical matter.

Mr. OWENS (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. HAYWORTH (at the request of Mr. ARMEY) for today on account of family reasons.

Mr. HULSHOF (at the request of Mr. ARMEY) for today and November 2 on account of attending the birth of Casey Elizabeth Hulshof.

Mr. TOOMEY (at the request of Mr. ARMEY) for today on account of attending Pennsylvania state elections.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Mrs. THURMAN, for 5 minutes, today.

Mr. DAVIS of Florida, for 5 minutes, today.

Mrs. MEEK of Florida, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. PASCARELL, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Florida, for 5 minutes, today and November 2 and 3.

Mr. MICA, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

Mrs. FOWLER, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today and November 2-5.

Mr. RAMSTAD, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. SHAW, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, a bill and joint resolutions of the House of the following titles:

On October 27, 1999:

H.R. 1175. To locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

H.J. Res. 62. To grant the consent of Congress to the boundary change between Georgia and South Carolina.

On October 28, 1999:

H.J. Res. 73. Making further continuing appropriations for the fiscal year 2000, and for other purposes.

COMMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY, OCTOBER 28, 1999

ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 73. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 2, 1999, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5038. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Domestically Produced and Imported Peanuts; Change in the Maximum Percentage of Foreign Material Allowed Under Quality Requirements [Docket Nos. FV99-997-2 IFR, FV99-998-1 IFR, and FV99-999-1 IFR] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5039. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Approved Treatments [Docket No. 99-027-2] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5040. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Decreased Assessment Rate [Docket No. FV99-984-3 IFR] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5041. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Refrigeration Requirements for Shell Eggs [Docket No. PY-99-002] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5042. A communication from the President of the United States, transmitting a request to make available \$8.8 billion in previously appropriated FY 2000 emergency funds for the Department of Agriculture; (H. Doc. No. 106-152); to the Committee on Appropriations and ordered to be printed.

5043. A letter from the Secretary of Agriculture, transmitting a letter reporting violations of section 1341(a) and 1517(a) of Title 31 of the U.S. Code; to the Committee on Appropriations.

5044. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Renewal of Expiring Annual Contributions Contracts in the Tenant-Based Section 8 Program; Formula for Allocation of Housing Assistance [Docket No. FR-4459-F-03] (RIN: 2577-AB 96) received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5045. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Agency Plans [Docket No. FR-4420-F-05] (RIN: 2577-AB89) received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5046. A letter from the Assistant General Counsel for Regulations, Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Assessment System

(PHAS); Transition to the PHAS [Docket No. FR-4497-N-02] (RIN: 2577-AC08) received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5047. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Tenant-Based Assistance; Statutory Merger of Section 8 Certificate and Voucher Programs; Housing Choice Voucher Program [Docket No. FR-4428-F-04] (RIN: 2577-AB91) received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5048. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Federal Credit Unions; Miscellaneous Technical Amendments—received October 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5049. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Indiana [IN106-1a; FRL-6446-5] received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5050. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Approval of National Low Emission Vehicle Program [Region 2 Docket No. NJ35-2-195a FRL-6461-7] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5051. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works [AD-FRL-6462-7] (RIN: 2060-AF26) received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5052. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; Control of VOC Emissions from Solvent Metal Cleaning Operations [VA 097-5041; FRL-6459-9] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5053. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Princeton and Elk River, Minnesota) [MM Docket No. 98-208 RM-9396] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5054. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fremont and Holton, Michigan) [MM Docket No. 98-180 RM-9365] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5055. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mount Olive

and Staunton, Illinois) [MM Docket No. 99-167 RM-9391] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5056. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cal-Nev-Ari, Boulder City, and Las Vegas, Nevada) [MM Docket No. 93-279 RM-8368 RM-8385] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5057. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Regulations Governing Off-the-Record Communications [Docket No. RM-98-1-000] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5058. A letter from the Secretary of the Commission, Bureau of Consumer Protection, Division of Enforcement, Federal Trade Commission, transmitting the Commission's final rule—Guides For The Dog And Cat Food Industry—received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5059. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Sudanese Sanctions Regulations; Libyan Sanctions Regulations; Iranian Transactions Regulations; Licensing of Commercial Sales, Exportation and Reexportation of Agricultural Commodities and Products, Medicine, and Medical Equipment; Iranian Accounts on the Books of U.S. Depository Institutions; Informational Materials; Visas—received October 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5060. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Miscellaneous Amendments to Committee Regulations—received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5061. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions and Deletion—received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5062. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Use of Competitive Proposals [FAC 97-14; FAR Case 99-001; Item III] (RIN: 9000-AI44) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5063. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Historically Underutilized Business Zone (HUBZone) Empowerment Contracting Program [FAC 97-14; FAR Case 97-307; Item II] (RIN: 9000-AI20) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5064. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Cost-Reimbursement Architect-Engineer Contracts [FAC 97-14; FAR Case 97-043; Item XII] (RIN: 9000-AI22) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5065. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Value Engineering Change Proposals/PAT [FAC 97-14; FAR Case 97-031; Item XIV] (RIN: 9000-AH84) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5066. A letter from the Commissioner, Social Security Administration, transmitting the annual inventory of commercial activities as required by Public Law 105-270; to the Committee on Government Reform.

5067. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Missouri Regulatory Program [SPATS No. MO-035-FOR] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5068. A letter from the Assistant Secretary, Water and Science, Bureau of Reclamation, Department of the Interior, transmitting the Department's final rule—Offstream Storage of Colorado River Water and Development and Release of Intentionally Created Unused Apportionment in the Lower Division States (RIN: 1006-AA40) received October 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5069. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Mississippi Regulatory Program [SPATS No. MS-015-FOR] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5070. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [SPATS No. IN-140-FOR; State Program Amendment No. 98-4] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5071. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 990304063-9063-01; I.D. 101599C] received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5072. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 990304062-9062-01; I.D. 101499A] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5073. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 990304062-9062-01; I.D. 101399B] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5074. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 092899G] received October 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5075. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Inseason Adjustment to Required Observer Coverage [Docket No. 980826225-8296-02; I.D. 100499B] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5076. A letter from the Assistant Secretary of the Army, Department of Defense, transmitting the Department's biennial report on the implementation of section 1135 of the Water Resources Development Act of 1986, as amended, pursuant to 33 U.S.C. 2294 nt.; to the Committee on Transportation and Infrastructure.

5077. A letter from the Acting Assistant Chief Counsel, Office of Motor Carrier Safety, Department of Transportation, transmitting the Department's final rule—Motor Carrier Safety Regulations [Docket No. OMCS-99-6386] (RIN: 2125-AE70) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5078. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes [COTP New Orleans, LA Regulation 99-027] (RIN: 2115-AA97) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5079. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Sedona, AZ [Airspece Docket No. 99-AWP-4] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5080. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace: York County, PA [Airspace Docket No. 99-AEA-09] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5081. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Federal Airway Victor 108 (V-108) in the Vicinity of Colorado Springs, CO [Airspace Docket No. 99-ANM-4] (RIN: 2120-AA66) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5082. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29815; Amdt. No. 1957] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5083. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures Miscellaneous Amendments [Docket No. 29814; Amdt. No. 1956] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5084. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29786; Amendment No. 1954] received October 25,

1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5085. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3-60 Series Airplanes [Docket No. 99-NM-52-AD; Amendment 39-11383; AD 99-22-05] (RIN: 2120-AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN-235 Series Airplanes (RIN: 2120-AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5087. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 99-NM-181-AD; Amendment 39-11385; AD 99-22-07] (RIN: 2120-AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5088. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 99-NM-19-AD; Amendment 39-11381; AD 99-22-03] (RIN: 2120-AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5089. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Series Airplanes [Docket No. 99-NM-32-AD; Amendment 39-11382; AD 99-22-04] (RIN: 2120-AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5090. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Mitsubishi MU-300 Airplanes [Docket No. 96-NM-210-AD; Amendment 39-11376; AD 99-21-30] (RIN: 2120-AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5091. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9, DC-9-80 and C-9 (Military) Series Airplanes, and Model MD-88 Airplanes [Docket No. 98-NM-382-AD; Amendment 39-11386; AD 99-22-08] (RIN: 2120-AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5092. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Aircraft Engines CF34 Series Turbofan Engines [Docket No. 98-ANE-62-AD; Amendment 39-11388; AD 99-22-10] (RIN: 2120-AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5093. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-400 Series Airplanes [Docket No. 99-NM-178-AD;

Amendment 39-11387; AD 99-22-09] (RIN: 2120-AA64) received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5094. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Customs BONDED Warehouses [T.D. 99-78] (RIN: 1515-AC41) received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5095. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reporting of Gross Proceeds Payments to Attorneys [Notice 99-53] received October 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5096. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Rev. Proc. 99-40] received October 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5097. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99-52] received October 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5098. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notice that the President has exercised the authority provided to him and has issued the required determination to waive certain restrictions on the maintenance of a Palestine Liberation Organization (PLO) Office and on expenditure of PLO funds for a period of six months; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 359. A bill to clarify the intent of Congress in Public Law 93-632 to require the Secretary of Agriculture to continue to provide for the maintenance and operation of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated in that Public Law (Rept. 106-425). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1235. A bill to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes (Rept. 106-426). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2737. A bill to authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail; with an amendment (Rept. 106-427). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 189. Resolution expressing the sense of the Con-

gress regarding the wasteful and unsportsmanlike practice known as shark finning; with an amendment (Rept. 106-428). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 2418. A bill to amend the Public Health Service Act to revise and extend programs relating to organ procurement and transplantation; with an amendment (Rept. 106-429). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 348. Resolution agreeing to the conference requested by the Senate on the Senate amendment to the bill (H.R. 2990) to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts; to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage, and for other purposes (Rept. 106-430). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform. H.R. 170. A bill to require certain notices in any mailing using a game of chance for the promotion of a product or service, and for other purposes; with an amendment (Rept. 106-431). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 3137. A bill to amend the Presidential Transition Act of 1963 to provide for training of individuals a President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President (Rept. 106-432). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MORELLA (for herself, Mr. DAVIS of Virginia, Mr. CUMMINGS, Mr. MORAN of Virginia, and Ms. NORTON): H.R. 3185. A bill to amend title 5, United States Code, to establish a new method for fixing rates of basic pay for administrative appeals judges, and for other purposes; to the Committee on Government Reform.

By Mr. BURR of North Carolina: H.R. 3186. A bill to restrict the authority of the Federal Communications Commission to review mergers and to impose conditions on licenses and other authorizations assigned or transferred in the course of mergers or other transactions subject to review by the Department of Justice or the Federal Trade Commission; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT: H.R. 3187. A bill to amend the Federal Property and Administrative Services Act of 1949 to temporarily continue authority relating to transfers of certain surplus property

to State and local governments for law enforcement and emergency response purposes; to the Committee on Government Reform.

By Mr. HALL of Ohio:

H.R. 3188. A bill to provide for the disclosure of the source of gem-quality diamonds and gem-quality diamond products imported into and sold in the United States; to the Committee on Commerce.

By Mr. GARY MILLER of California:

H.R. 3189. A bill to designate the United States post office located at 14071 Peyton Drive in Chino Hills, California, as the "Joseph Iletto Post Office"; to the Committee on Government Reform.

By Mr. PETERSON of Pennsylvania:

H.R. 3190. A bill to establish the Oil Region National Heritage Area; to the Committee on Resources.

By Mr. SAXTON:

H.R. 3191. A bill to amend the Federal Water Pollution Control Act relating to marine sanitation devices; to the Committee on Transportation and Infrastructure.

By Mr. WALSH (for himself, Mr. HALL of Ohio, Mrs. CLAYTON, Mrs. KELLY, Mr. DIAZ-BALART, and Ms. KAPTUR):

H.R. 3192. A bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes; to the Committee on Agriculture.

By Mr. SHAW (for himself, Mr. DIAZ-BALART, Mr. MILLER of Florida, Mr. FOLEY, Mr. GOSS, Ms. BROWN of Florida, Mrs. THURMAN, Mrs. MEEK of Florida, Mr. DAVIS of Florida, Ms. ROS-LEHTINEN, Mr. DEUTSCH, Mr. MICA, Mr. HASTINGS of Florida, Mrs. FOWLER, and Mr. BILIRAKIS):

H. Con. Res. 217. Concurrent resolution expressing the sense of the Congress that Miami, Florida, and not a competing foreign city, should serve as the permanent location for the Secretariat of the Free Trade Area of the Americas (FTAA) beginning in 2005; to the Committee on Ways and Means.

By Mr. TAYLOR of North Carolina (for himself, Mr. JONES of North Carolina, Mr. COBLE, Mrs. MYRICK, Mr. BALENGER, Mr. HAYES, Mr. ETHERIDGE, Mrs. CLAYTON, Mr. MCINTYRE, Mr. BURR of North Carolina, and Mr. PRICE of North Carolina):

H. Res. 349. A resolution expressing the sense of the House of Representatives that the President should immediately transmit to Congress the President's recommendations for emergency response actions, including appropriate offsets, to provide relief and assistance to the victims of Hurricane Floyd; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 116: Mr. MOLLOHAN, Mr. JACKSON of Illinois, and Ms. CARSON.

H.R. 123: Mr. LEWIS of Kentucky.

H.R. 125: Mr. CHRISTENSEN, Mrs. KELLY, and Mr. CROWLEY.

H.R. 274: Mr. BURTON of Indiana, Mr. MAS-CARA, and Mr. PICKERING.

H.R. 329: Mr. PICKETT.

H.R. 347: Mr. RILEY.

H.R. 460: Mr. HORN.

H.R. 493: Mr. WHITFIELD and Mr. JONES of North Carolina.

H.R. 534: Mr. TAUZIN and Mr. SMITH of Washington.

H.R. 541: Mr. EVANS.

H.R. 583: Mr. WEINER and Mr. BARCIA.

H.R. 765: Mr. LEWIS of Kentucky, Mr. CRAMER, and Mr. ADERHOLT.

H.R. 826: Mr. PICKERING.

H.R. 997: Mr. OWENS, Mr. PICKERING, and Mr. CONYERS.

H.R. 1044: Mr. ARMEY and Mr. BLUNT.

H.R. 1102: Mr. BASS.

H.R. 1115: Mr. RANGEL and Mr. LINDER.

H.R. 1145: Mr. GREEN of Texas.

H.R. 1168: Mr. SHIMKUS.

H.R. 1248: Mr. GUTIERREZ and Mr. HULSHOF.

H.R. 1322: Mrs. MCCARTHY of New York.

H.R. 1441: Mr. WHITFIELD and Mr. KOLBE.

H.R. 1485: Ms. KILPATRICK.

H.R. 1591: Ms. ROYBAL-ALLARD.

H.R. 1611: Mr. LATHAM and Mr. PAUL.

H.R. 1750: Mr. FORBES.

H.R. 1795: Mr. BONIOR, Mr. RUSH, Mr. KUCINICH, and Mr. COYNE.

H.R. 1798: Mr. PRICE of North Carolina and Mr. MARTINEZ.

H.R. 1837: Mrs. MALONEY of New York and Mr. CRAMER.

H.R. 1871: Mr. FOLEY and Ms. MILLENDER-MCDONALD.

H.R. 1885: Mr. OLVER and Ms. BALDWIN.

H.R. 2053: Mr. CROWLEY.

H.R. 2059: Mr. WEINER.

H.R. 2066: Mr. JOHN, Mr. PHELPS, Mr. BURR of North Carolina, and Mrs. THURMAN.

H.R. 2129: Mr. WELDON of Florida, Mr. PACKARD, Mr. LIPINSKI, and Mr. BRYANT.

H.R. 2162: Mr. ADERHOLT.

H.R. 2170: Mr. HINOJOSA and Mr. HASTINGS of Florida.

H.R. 2200: Mr. LANTOS and Mrs. MORELLA.

H.R. 2221: Mr. ISTOOK.

H.R. 2314: Mr. GORDON.

H.R. 2341: Mr. MATSUI, Mrs. LOWEY, Mrs. MEEK of Florida, and Ms. PRYCE of Ohio.

H.R. 2386: Mr. MARTINEZ.

H.R. 2391: Mr. WATTS of Oklahoma, Mr. BOEHLERT, Mr. DICKEY, Mr. DEAL of Georgia, Mr. WAMP, Mr. FROST, Mr. GORDON, Mr. BENTSEN, and Mr. HINOJOSA.

H.R. 2405: Mrs. LOWEY.

H.R. 2420: Mr. JEFFERSON.

H.R. 2439: Mr. GEORGE MILLER of California.

H.R. 2470: Mr. LOBIONDO.

H.R. 2558: Mr. ROGAN.

H.R. 2697: Mr. KENNEDY of Rhode Island, Mr. HILLIARD, and Mr. RAHALL.

H.R. 2722: Mr. MCNULTY, Mr. DOOLEY of California, Mrs. NAPOLITANO, Mr. KENNEDY of Rhode Island, Mr. ENGEL, and Mr. WAXMAN.

H.R. 2727: Mr. PETERSON of Minnesota and Ms. CARSON.

H.R. 2790: Mrs. EMERSON.

H.R. 2819: Mrs. THURMAN.

H.R. 2890: Mrs. KILPATRICK and Mr. ENGEL.

H.R. 2902: Mr. GEORGE MILLER of California, Mr. WATT of North Carolina, Mr. MCGOVERN, and Mr. MARTINEZ.

H.R. 2936: Mr. MANZULLO and Mr. MARTINEZ.

H.R. 2960: Mr. NETHERCUTT.

H.R. 2966: Mr. DEFAZIO, Ms. HOOLEY of Oregon, Mr. HUTCHINSON, Ms. KILPATRICK, and Mr. SCARBOROUGH.

H.R. 2985: Mr. FOLEY and Mr. BOEHLERT.

H.R. 3031: Mr. HASTINGS of Florida, Ms. MCKINNEY, Mr. MCNULTY, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. WAXMAN, Mr. WATT of North Carolina, Mr. STICKLAND, Mr. COYNE, and Mr. FATTAH.

H.R. 3099: Mr. BECERRA.

H.R. 3109: Mr. FROST, Mrs. LOWEY, Mr. MCHUGH, Mr. CONYERS, Mr. STICKLAND, Mr. RANGEL, Mr. ETHERIDGE, Mr. PRICE of North Carolina, and Mr. RUSH.

H.R. 3144: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PETERSON of Minnesota, and Mr. BAIRD.

H.R. 3147: Mr. FRANK of Massachusetts.

H.R. 3180: Mrs. THURMAN.

H.J. Res. 46: Mr. BILIRAKIS, Mr. QUINN, and Mr. COOK.

H. Con. Res. 77: Ms. STABENOW, Mr. SKELTON, and Mr. BASS.

H. Con. Res. 152: Mr. COOK, Mr. OLVER, Mr. SANDLIN, and Mr. PAYNE.

H. Con. Res. 177: Mr. BARCIA and Ms. KILPATRICK.

H. Con. Res. 193: Mr. DAVIS of Virginia, Mr. KOLBE, Mr. CHAMBLISS, Mr. RYAN of Wisconsin, Mr. HAYWORTH, Mr. RILEY, Mr. POMBO, Mr. FRELINGHUYSEN, Mrs. MORELLA, Mr. MICA, Mr. SUNUNU, Mr. SOUDER, Mr. MCKEON, Mr. SERRANO, Mr. BARRETT of Wisconsin, Mr. GONZALEZ, Mr. DIXON, Mr. FRANK of Massachusetts, Mrs. THURMAN, Mr. CONYERS, Mr. SHOWS, Mrs. MEEK of Florida, Ms. LEE, Mr. SAWYER, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, Ms. LOFGREN, Mr. CUMMINGS, Mr. MENENDEZ, Mr. CLYBURN, Mr. BISHOP, Mr. PHELPS, Mrs. MINK of Hawaii, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, Mr. REYES, Mr. WATT of North Carolina, Mr. BROWN of Ohio, Mr. MCNULTY, Mr. FALEOMAVAEGA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ORTIZ, Mr. COYNE, and Mr. GREEN of Texas.

H. Con. Res. 213: Mrs. ROUKEMA.

H. Con. Res. 216: Ms. KAPTUR, Mr. LIPINSKI, Mr. ACKERMAN, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. KENNEDY of Rhode Island, Mr. BERMAN, Mr. SOUDER, Mr. KNOLLENBERG, and Ms. DANNER.

H. Res. 298: Mrs. MINK of Hawaii and Mr. PRICE of North Carolina.

H. Res. 325: Ms. BERKLEY, Mr. SCHAFFER, Mr. VENTO, Mr. FRANK of Massachusetts, Mr. WALSH, and Mr. WU.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

64. The SPEAKER presented a petition of the Marine Corps League, Inc. relative to a petition urging the President of the United States of America to send legislation to the United States Congress that will require all school districts throughout the United States of America to provide a United States Flag for display in each classroom, that at the beginning of each school day the Pledge of Allegiance is recited, and the National Anthem be played at the conclusion of the Pledge of Allegiance; to the Committee on Education and the Workforce.

65. Also, a petition of the Marine Corps League, Inc. relative to a resolution urging the Congress of the United States to inaugurate a National Day of Recognition to those who served on active duty from 1945 to 1976, and continuous from 1976 to the present during the major conflicts on the continent of Asia, and that the day of October 23 be chosen to commence this Day of Recognition; to the Committee on Government Reform.

66. Also, a petition of the Marine Corps League, INC. relative to a petition urging the President and Congress to pledge their full support to the State Veterans Home Program as it is the most cost-effective nursing care-alternative available to VA; to the Committee on Veterans' Affairs.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2389

OFFERED BY Mr. GOODLATTE

AMENDMENT No. 1: Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Secure Rural Schools and Community Self-Determination Act of 1999”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purpose.

Sec. 3. Definitions.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.

Sec. 102. Payments to States from Forest Service lands for use by counties to benefit public education and transportation.

Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—LOCALLY INITIATED PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.

Sec. 202. General limitation on use of project funds.

Sec. 203. Submission of project proposals by participating counties.

Sec. 204. Evaluation and approval of projects by Secretary concerned.

Sec. 205. Local advisory committees.

Sec. 206. Use of project funds.

Sec. 207. Duration of availability of a county's project funds.

Sec. 208. Treatment of funds generated by locally initiated projects.

TITLE III—FOREST COUNTIES PAYMENTS COMMITTEE

Sec. 301. Definitions.

Sec. 302. National advisory committee to develop long-term methods to meet statutory obligation of Federal lands to contribute to public education and other public services.

Sec. 303. Functions of Advisory Committee.

Sec. 304. Federal Advisory Committee Act requirements.

Sec. 305. Termination of Advisory Committee.

Sec. 306. Sense of Congress regarding Advisory Committee recommendations.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorization of appropriations.

Sec. 402. Treatment of funds and revenues.

Sec. 403. Conforming amendments.

SEC. 2. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as re-vested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) Even without such revenues, these same counties have expended public funds year after year to provide services, such as edu-

cation, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for their loss of future revenues and for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 50 percent of the revenues derived from the re-vested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds.

(8) For several decades during the dramatic growth of the American economy, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide educational opportunities for the children of residents of these counties.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has severely impacted or crippled educational funding in, and the quality of education provided by, the affected counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the educational funding those revenues provide.

(13) Although alternative payments are not an adequate substitute for the revenues, wages, purchasing of local goods and services, and social opportunities that are generated when the Federal lands are managed in a manner that encourages revenue-producing activities, such alternative payments are critically needed now to stabilize educational funding in the affected counties.

(14) Changes in Federal Land management, in addition to having curtailed timber sales, have altered the historic, cooperative relationship between counties and the Forest Service and the Bureau of Land Management.

(15) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are not likely to be addressed through annual appropriations.

(16) New relationships between the counties in which these Federal lands are located and the managers of these Federal lands need to be formed to benefit both the natural resources and rural communities of the United States as the 21st century begins.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to provide Federal funds to county governments that are dependent on and supportive of the Federal lands so as to assist such counties in restoring funding for education and other public services that the counties must provide to county residents and visitors;

(2) to provide these funds on a temporary basis in a form that is environmentally sound and consistent with applicable resource management plans;

(3) to facilitate the development, by the Federal Government and the counties which benefit from the shared revenues from the Federal lands, of a new cooperative relationship in Federal land management and the development of local consensus in implementing applicable plans for the Federal lands;

(4) to identify and implement projects on the Federal lands that enjoy broad-based local support; and

(5) to make additional investments in infrastructure maintenance and ecosystem restoration on Federal lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) **FEDERAL LANDS.**—The term “Federal lands” means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)); and

(B) the Oregon and California Railroad grant lands re-vested in the United States by the Act of June 9, 1916 (Chapter 137; 39 Stat. 218), Coos Bay Wagon Road grant lands reconveyed to the United States by the Act of February 26, 1919 (Chapter 47; 40 Stat. 1179), and subsequent additions to such lands.

(2) **ELIGIBILITY PERIOD.**—The term “eligibility period” means fiscal year 1984 through fiscal year 1999.

(3) **ELIGIBLE COUNTY.**—The term “eligible county” means a county or borough that received 50-percent payments for one or more fiscal years of the eligibility period or a county or borough that received a portion of an eligible State's 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county or borough established after the date of the enactment of this Act so long as the county or borough includes all or a portion of a county or borough described in the preceding sentence.

(4) **ELIGIBLE STATE.**—The term “eligible State” means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) **FULL PAYMENT AMOUNT.**—The term “full payment amount” means the amount calculated for each eligible State and eligible county under section 101.

(6) **25-PERCENT PAYMENTS.**—The term “25-percent payments” means the payments to States required by the 6th paragraph under the heading of “FOREST SERVICE” in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(7) **50-PERCENT PAYMENTS.**—The term “50-percent payments” means the payments that are the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (Chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f et seq.).

(8) **SAFETY NET PAYMENTS.**—The term “safety net payments” means the payments to States and counties required by sections 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—The Secretary of the Treasury shall calculate for each eligible State an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for fiscal years of the eligibility period.

(2) BLM COUNTIES.—The Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount in effect for the previous fiscal year for each eligible State and eligible county to reflect changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 1999.

SEC. 102. PAYMENTS TO STATES FROM FOREST SERVICE LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) REQUIREMENT FOR PAYMENTS TO ELIGIBLE STATES.—The Secretary of the Treasury shall make to each eligible State a payment in accordance with subsection (b) for each of fiscal years 2000 through 2006. The payment for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(b) PAYMENT AMOUNTS.—The payment to an eligible State under subsection (a) for a fiscal year shall consist of the following:

(1) The 25-percent payments and safety net payments under section 13982 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note) applicable to that State for that fiscal year.

(2) If the amount under paragraph (1) is less than the full payment amount in effect for that State for that fiscal year, such additional funds as may be appropriated to provide a total payment not to exceed the full payment amount.

(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—An eligible State that receives a payment under subsection (a) shall distribute the payment among all eligible counties in the State, with each eligible county receiving the same percentage of that payment as the percentage of the State's total 25-percent payments and safety net payments under section 13982 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note) that were distributed to that county for fiscal years of the eligibility period.

(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by eligible States under subsection (a) and distributed to eligible counties shall be expended in the same manner in which 25-percent payments are required to be expended.

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) GENERAL RULE.—In the case of an eligible county to which \$100,000 or more is distributed in a fiscal year pursuant to subsection (c)—

(A) 80 percent of the funds distributed to the eligible county shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) 20 percent of the funds distributed to the eligible county shall be reserved and ex-

pended by the eligible county in accordance with title II.

(2) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than \$100,000 is distributed for fiscal year 2000 pursuant to subsection (c), the eligible county shall make an election whether or not to be subject to the requirements of paragraph (1) for that fiscal year and all subsequent fiscal years for which payments are made under subsection (a). The county shall notify the Secretary of Agriculture of its election under this subsection not later than 60 days after the county receives its distribution for fiscal year 2000.

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) REQUIREMENT FOR PAYMENTS TO ELIGIBLE COUNTIES.—The Secretary of the Treasury shall make to each eligible county that received a 50-percent payment during the eligibility period a payment in accordance with subsection (b) for each of fiscal years 2000 through 2006. The payment for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(b) PAYMENT AMOUNTS.—The payment to an eligible county under subsection (a) for a fiscal year shall consist of the following:

(1) The 50-percent payments and safety net payments under section 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 43 U.S.C. 1181f note) applicable to that county for that fiscal year.

(2) If the amount under paragraph (1) is less than the full payment amount in effect for that county for that fiscal year, such additional funds as may be appropriated to provide a total payment not to exceed the full payment amount.

(c) EXPENDITURE OF PAYMENTS.—Subject to subsection (d), payments received by eligible counties under subsection (a) shall be expended in the same manner in which 50-percent payments are required to be expended.

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—In the case of an eligible county to which a payment is made in a fiscal year pursuant to subsection (a)—

(1) 80 percent of the payment to the eligible county shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(2) 20 percent of the payment to the eligible county shall be reserved and expended by the eligible county in accordance with title II.

TITLE II—LOCALLY INITIATED PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term "participating county" means an eligible county that—

(A) receives Federal funds pursuant to section 102 or 103; and

(B) is required to expend a portion of those funds in the manner provided in section 102(d)(1)(B) or 103(d)(2) or elects under section 102(d)(2) to expend a portion of those funds in accordance with section 102(d)(1)(B).

(2) PROJECT FUNDS.—The term "project funds" means all funds reserved by an eligible county under section 102(d)(1)(B) or 103(d)(2) for expenditure in accordance with this title and all funds that an eligible county elects under section 102(d)(2) to reserve under section 102(d)(1)(B).

(3) LOCAL ADVISORY COMMITTEE.—The term "local advisory committee" means an advisory committee established by the Secretary concerned under section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term "resource management plan" means a

land use plan prepared by the Bureau of Land Management for units of the Federal Lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and land and resource management plans prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) SECRETARY CONCERNED.—The term "Secretary concerned" means the Secretary of the Interior with respect to the Federal Lands described in section 3(1)(B) and the Secretary of Agriculture with respect to the Federal Lands described in section 3(1)(A).

(6) SPECIAL ACCOUNT.—The term "special account" means an account in the Treasury established under section 208(c) for each region of the Forest Service, and for the Bureau of Land Management.

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title and are conducted on the Federal lands.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS BY PARTICIPATING COUNTIES.

(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30, 2001, and each September 30 thereafter through 2009, each participating county shall submit to the Secretary concerned a description of any projects that the county proposes the Secretary undertake using any project funds reserved by the county during the three-fiscal year period consisting of the fiscal year in which the submission is made and the preceding two fiscal years. A participating county does not have to submit all of its project proposals for a year at the same time.

(2) PROJECTS FUNDED USING SPECIAL ACCOUNTS.—Until September 30, 2007, a participating county may also submit to the Secretary concerned a description of any projects that the county proposes the Secretary undertake using amounts in a special account in lieu of or in addition to the county's project funds.

(3) JOINT PROJECTS.—Participating counties may pool their project funds and jointly propose a project or group of projects to the Secretary concerned under paragraph (1). Participating counties may also jointly propose a project or group of projects to the Secretary concerned under paragraph (2).

(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a participating county shall include in the description of each proposed project the following information:

(1) The purpose of the project.

(2) An estimation of the amount of any timber, forage, and other commodities anticipated to be harvested or generated as part of the project.

(3) The anticipated duration of the project.

(4) The anticipated cost of the project.

(5) The proposed source of funding for the project, whether project funds, funds from the appropriate special account, or both.

(6) The anticipated revenue, if any, to be generated by the project.

(c) ROLE OF LOCAL ADVISORY COMMITTEE.—A participating county may propose a project to the Secretary concerned under subsection (a) only if the project has been reviewed and approved by the relevant local advisory committee in accordance with the requirements of section 205, including the procedures issued under subsection (d) of such section.

(d) AUTHORIZED PROJECTS.—

(1) IN GENERAL.—Projects proposed under subsection (a) shall consist of any type of project or activity that the Secretary concerned may otherwise carry out on the Federal lands.

(2) SEARCH, RESCUE, AND EMERGENCY SERVICES.—Notwithstanding paragraph (1), a participating county may submit as a proposed project under subsection (a) a proposal that the county receive reimbursement for search and rescue and other emergency services performed on Federal lands and paid for by the county. The source of funding for an approved project of this type may only be the special account for the region in which the county is located or, in the case of a county that receives 50-percent payments, the special account for the Bureau of Land Management.

(3) COMMUNITY SERVICE WORK CAMPS.—Notwithstanding paragraph (1), a participating county may submit as a proposed project under subsection (a) a proposal that the county receive reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a participating county under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all Federal laws and all Federal rules, regulations, and policies.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the relevant local advisory committee in accordance with section 205, including the procedures issued under subsection (d) of such section.

(4) The project has been described by the participating county in accordance with section 203(b).

(b) ENVIRONMENTAL REVIEWS.—

(1) REVIEW REQUIRED.—Before making a decision to approve a proposed project under subsection (a), the Secretary concerned shall complete any environmental review required by the National Environmental Policy Act of 1969 (42 U.S.C. 321 et seq.) in connection with the project and any consultation and biological assessment required by the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in connection with the project.

(2) TREATMENT OF REVIEW.—Decisions of the Secretary concerned related to an environmental review or consultation conducted under paragraph (1) shall not be subject to administrative appeal or judicial review unless and until the Secretary approves the project under subsection (a) for which the review or consultation was conducted.

(3) PAYMENT OF REVIEW COSTS.—

(A) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the participating county or counties submitting a proposed project to use project funds to pay for any environmental review or consultation required under paragraph (1) in connection with the project. When such a payment is requested, the Secretary concerned shall not begin the environmental review or consultation until and unless the payment is received.

(B) EFFECT OF REFUSAL TO PAY.—If a participating county refuses to make the requested payment under subparagraph (A) in

connection with a proposed project, the participating county shall withdraw the submission of the project from further consideration by the Secretary concerned. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(d).

(c) TIME PERIODS FOR CONSIDERATION OF PROJECTS.—

(1) PROJECTS REQUIRING ENVIRONMENTAL REVIEW.—If the Secretary concerned determines that an environmental review or consultation is required for a proposed project pursuant to subsection (b), the Secretary concerned shall make a decision under subsection (a) to approve or reject the project, to the extent practicable, within 30 days after the completion of the last of the required environmental reviews and consultations.

(2) OTHER PROJECTS.—If the Secretary concerned determines that an environmental review or consultation is not required for a proposed project, the Secretary shall make a decision under subsection (a) to approve or reject the project, to the extent practicable, within 60 days after the date of that determination.

(d) DECISIONS OF SECRETARY CONCERNED.—

(1) REJECTION OF PROJECTS.—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the participating county that submitted the proposed project of the rejection and the reasons therefor.

(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(3) PROJECT APPROVAL AS FINAL AGENCY ACTION.—A decision by the Secretary concerned to approve a project under subsection (a) shall be considered a final agency action under the Administrative Procedures Act.

(e) SOURCE AND CONDUCT OF PROJECT.—For purposes of Federal law, a project approved by the Secretary concerned under this section shall be considered to have originated with the Secretary.

(f) IMPLEMENTATION OF APPROVED PROJECTS.—

(1) RESPONSIBILITY OF SECRETARY.—The Secretary concerned shall be responsible for carrying out projects approved by the Secretary under this section. The Secretary concerned shall carry out the projects in compliance with all Federal laws and all Federal rules, regulations, and policies and in the same manner as projects of the same kind that originate with the Secretary.

(2) COOPERATION.—The Secretary concerned may enter into contracts and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(3) BEST VALUE STEWARDSHIP CONTRACTING.—To enter into a contract authorized by paragraph (2), the Secretary concerned may use a contracting method that secures, for the best price, the best quality service, as determined by the Secretary based upon the following:

(A) The technical demands and complexity of the work to be done.

(B) The ecological sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The use by the contractor of low value species and byproducts.

(E) The commitment of the contractor to hiring highly qualified workers and local residents.

(g) TIME FOR COMMENCEMENT.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—If an approved project is to be funded in whole or in part using project funds to be provided by a participating county or counties, the Secretary concerned shall commence the project as soon as practicable after the receipt of the project funds pursuant to section 206 from the county.

(2) PROJECTS FUNDED USING SPECIAL ACCOUNTS.—If an approved project is to be funded using amounts from a special account in lieu of any project funds, the Secretary concerned shall commence the project as soon as practicable after the approval decision is made.

SEC. 205. LOCAL ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF LOCAL ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—Except as provided in paragraph (2), the Secretary concerned shall establish and maintain, for each unit of Federal lands, a local advisory committee to review projects proposed by participating counties and to recommend projects to participating counties.

(2) COMBINATION OR DIVISION OF UNITS.—The Secretary concerned may, at the Secretary's sole discretion, combine or divide units of Federal lands for the purpose of establishing local advisory committees.

(b) APPOINTMENT BY THE SECRETARY.—

(1) APPOINTMENT AND TERM.—The Secretary concerned shall appoint the members of local advisory committees for a term of 2 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 2-year terms.

(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each local advisory committee established by the Secretary meets the requirements of subsection (c).

(3) INITIAL APPOINTMENT.—The Secretary concerned shall make initial appointments to the local advisory committees not later than 120 days after the date of enactment of this Act.

(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any local advisory committee as soon as practicable after the vacancy has occurred.

(5) COMPENSATION.—Members of the local advisory committees shall not receive any compensation.

(c) COMPOSITION OF ADVISORY COMMITTEE.—

(1) NUMBER.—Each local advisory committee shall be comprised of 15 members.

(2) COMMUNITY INTERESTS REPRESENTED.—Each local advisory committee shall have at least one member representing each of the following:

(A) Local resource users.

(B) Environmental interests.

(C) Forest workers.

(D) Organized labor representatives.

(E) Elected county officials.

(F) School officials or teachers.

(3) GEOGRAPHIC DISTRIBUTION.—To the extent practicable, the members of a local advisory committee shall be drawn from throughout the area covered by the committee.

(4) CHAIRPERSON.—A majority on each local advisory committee shall select the chairperson of the committee.

(d) APPROVAL PROCEDURES.—

(1) ISSUANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretaries concerned shall jointly issue the approval procedures that each local advisory committee must use in order to ensure that a local advisory committee only approves projects that are broadly supported by the committee. The Secretaries shall publish the procedures in the Federal Register.

(2) TREATMENT OF PROCEDURES.—The issuance and content of the procedures issued under paragraph (1) shall not be subject to administrative appeal or judicial review. Nothing in this paragraph shall affect the responsibility of local advisory committees to comply with the procedures.

(e) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—A local advisory committee may submit to the Secretary concerned a request for staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of a local advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—A local advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

(f) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—The local advisory committees shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 206. USE OF PROJECT FUNDS.

(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

(1) AGREEMENT BETWEEN PARTIES.—As soon as practicable after the approval of a project by the Secretary concerned under section 204, the Secretary concerned and the chief administrative official of the participating county (or one such official representing a group of participating counties) shall enter into an agreement addressing, at a minimum, the following with respect to the project:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multi-year project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for the participating county or counties for the failure of the Secretary concerned to comply with the terms of the agreement.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, the participating county or counties that are parties to the agreement shall transfer to the Secretary concerned an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid by the county or counties; or

(B) in the case of a multi-year project, the amount specified in the agreement to be paid by the county or counties for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The Secretary concerned shall not commence a project pursuant to section 204(g)(1) until the project funds required to be transferred under paragraph (1) for the project have been received by the Secretary.

(3) SUBSEQUENT TRANSFERS FOR MULTI-YEAR PROJECTS.—For the second and subsequent fiscal years of a multi-year project to be funded in whole or in part using project

funds, the participating county or counties shall transfer to the Secretary concerned the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the county fails to transfer the required amounts as required by the agreement.

(4) SPECIAL RULE FOR WORK CAMP PROJECTS.—In the case of a project described in section 203(d)(3) and approved under section 204, the agreement required by subsection (a) shall specify the manner in which a participating county that is a party to the agreement may retain project funds to cover the costs of the project.

(c) AVAILABILITY OF TRANSFERRED FUNDS.—Project funds transferred to the Secretary concerned under this section shall remain available until the project is completed.

SEC. 207. DURATION OF AVAILABILITY OF A COUNTY'S PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By the end of each of the fiscal years 2003 through 2009, a participating county shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds the county received under title I in the second preceding fiscal year.

(b) TRANSFER OF UNOBLIGATED FUNDS.—If a participating county fails to comply with subsection (a) for a fiscal year, any project funds that the county received in the second preceding fiscal year and remaining unobligated shall be returned to the Secretary of the Treasury for disposition as provided in subsection (c).

(c) DISPOSITION OF RETURNED FUNDS.—

(1) DEPOSIT IN SPECIAL ACCOUNTS.—In the case of project funds returned under subsection (b) in fiscal year 2004, 2005, or 2006, the Secretary of the Treasury shall deposit the funds in the appropriate special account.

(2) DEPOSIT IN GENERAL FUND.—After fiscal year 2006, the Secretary of the Treasury shall deposit returned project funds in the general fund of the Treasury.

(d) EFFECT OF REJECTION OF PROJECTS.—Notwithstanding subsection (b), any project funds of a participating county that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(A) or 103(d)(1), whichever applies to the funds involved. The project funds covered by this subsection shall remain available until expended.

(e) EFFECT OF COURT ORDERS.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—If an approved project is enjoined or prohibited by a Federal court after funds for the project are transferred to the Secretary concerned under section 206, the Secretary concerned shall return any unobligated project funds related to that project to the participating county or counties that transferred the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(A) or 103(d)(1), whichever applies to the funds involved. The funds shall remain available until expended and shall be exempt from the requirements of subsection (b).

(2) PROJECTS FUNDED USING SPECIAL ACCOUNTS.—If an approved project is enjoined or prohibited by a Federal court after funds from a special account have been reserved for the project under section 208, the Secretary concerned shall treat the funds in the same manner as revenues described in section 208(a).

SEC. 208. TREATMENT OF FUNDS GENERATED BY LOCALLY INITIATED PROJECTS.

(a) PAYMENT TO SECRETARY.—Any and all revenues generated from a project carried out in whole or in part using project funds or funds from a special account shall be paid to the Secretary concerned.

(b) DEPOSIT.—Notwithstanding any other provision of law, the Secretary concerned shall deposit the revenues described in subsection (a) as follows:

(1) Through fiscal year 2006, the revenues shall be deposited in the appropriate special account as provided in subsection (c).

(2) After fiscal year 2006, the revenues shall be deposited in the general fund of the Treasury.

(c) REGIONAL AND BLM SPECIAL ACCOUNTS.—

(1) ESTABLISHMENT.—There is established in the Treasury an account for each region of the Forest Service and an account for the Bureau of Land Management. The accounts shall consist of the following:

(A) Revenues described in subsection (a) and deposited pursuant to subsection (b)(1).

(B) Project funds deposited pursuant to section 207(c)(1).

(C) Interest earned on amounts in the special accounts.

(2) REQUIRED DEPOSIT IN FOREST SERVICE ACCOUNTS.—If the revenue-generating project was carried out in whole or in part using project funds that were reserved pursuant to section 102(d)(1)(B), the revenues shall be deposited in the account established under paragraph (1) for the Forest Service region in which the project was conducted.

(3) REQUIRED DEPOSIT IN BLM ACCOUNT.—If the revenue-generating project was carried out in whole or in part using project funds that were reserved pursuant to section 103(d)(2), the revenues shall be deposited in the account established under paragraph (1) for the Bureau of Land Management.

(4) PROJECTS CONDUCTED USING SPECIAL ACCOUNT FUNDS.—If the revenue-generating project was carried out using amounts from a special account in lieu of any project funds, the revenues shall be deposited in the special account from which the amounts were derived.

(d) USE OF ACCOUNTS TO CONDUCT PROJECTS.—

(1) AUTHORITY TO USE ACCOUNTS.—The Secretary concerned may use amounts in the special accounts, without appropriation, to fund projects submitted by participating counties under section 203(a)(2) that have been approved by the Secretary concerned under section 204.

(2) SOURCE OF FUNDS; PROJECT LOCATIONS.—Funds in a special account established under subsection (c)(1) for a region of the Forest Service region may be expended only for projects approved under section 204 to be conducted in that region. Funds in the special account established under subsection (c)(1) for the Bureau of Land Management may be expended only for projects approved under section 204 to be conducted on Federal lands described in section 3(1)(B).

(3) DURATION OF AUTHORITY.—No funds may be obligated under this subsection after September 30, 2007. Unobligated amounts in the special accounts after that date shall be promptly transferred to the general fund of the Treasury.

TITLE III—FOREST COUNTIES PAYMENTS COMMITTEE

SEC. 301. DEFINITIONS.

In this title:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Forest Counties Payments Committee established by section 302.

(2) HOUSE COMMITTEES OF JURISDICTION.—The term “House committees of jurisdiction” means the Committee on Agriculture, the Committee on Resources, and the Committee on Appropriations of the House of Representatives.

(3) SENATE COMMITTEES OF JURISDICTION.—The term “Senate committees of jurisdiction” means the Committee on Agriculture, Nutrition, and Forestry, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate.

(4) SUSTAINABLE FORESTRY.—The term “sustainable forestry” means principles of sustainable forest management that equally consider ecological, economic, and social factors in the management of Federal lands.

SEC. 302. NATIONAL ADVISORY COMMITTEE TO DEVELOP LONG-TERM METHODS TO MEET STATUTORY OBLIGATION OF FEDERAL LANDS TO CONTRIBUTE TO PUBLIC EDUCATION AND OTHER PUBLIC SERVICES.

(a) ESTABLISHMENT OF FOREST COUNTIES PAYMENTS COMMITTEE.—There is hereby established an advisory committee, to be known as the Forest Counties Payments Committee, to develop recommendations, consistent with sustainable forestry, regarding methods to ensure that States and counties in which Federal lands are situated receive adequate Federal payments to be used for the benefit of public education and other public purposes.

(b) MEMBERS.—The Advisory Committee shall be composed of the following members:

(1) The Chief of the Forest Service, or a designee of the Chief who has significant expertise in sustainable forestry.

(2) The Director of the Bureau of Land Management, or a designee of the Director who has significant expertise in sustainable forestry.

(3) The Director of the Office of Management and Budget, or the Director’s designee.

(4) Two members who are elected members of the governing branches of eligible counties; one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the Senate committees of jurisdiction) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the House committees of jurisdiction) within 60 days of the date of enactment of this Act.

(5) Two members who are elected members of school boards for, superintendents from, or teachers employed by, school districts in eligible counties; one such member to be appointed by the President pro tempore of the Senate (in consultation with the chairmen and ranking members of the Senate committees of jurisdiction) and one such member to be appointed by the Speaker of the House of Representatives (in consultation with the chairmen and ranking members of the House committees of jurisdiction) within 60 days of the date of enactment of this Act.

(c) GEOGRAPHIC REPRESENTATION.—In making appointments under paragraphs (4) and (5) of subsection (b), the President pro tempore of the Senate and the Speaker of the House of Representatives shall seek to ensure that the Advisory Committee members are selected from geographically diverse locations.

(d) ORGANIZATION OF ADVISORY COMMITTEE.—

(1) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be selected from

among the members appointed pursuant to paragraphs (4) and (5) of subsection (b).

(2) VACANCIES.—Any vacancy in the membership of the Advisory Committee shall be filled in the same manner as required by subsection (b). A vacancy shall not impair the authority of the remaining members to perform the functions of the Advisory Committee under section 303.

(3) COMPENSATION.—The members of the Advisory Committee who are not officers or employees of the United States, while attending meetings or other events held by the Advisory Committee or at which the members serve as representatives of the Advisory Committee or while otherwise serving at the request of the Chairperson, shall each be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5532 of title 5, United States Code, including traveltime, and while away from their homes or regular places of business shall each be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) STAFF AND RULES.—

(1) EXECUTIVE DIRECTOR.—The Advisory Committee shall have an Executive Director, who shall be appointed (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) by the Advisory Committee and serve at the pleasure of the Advisory Committee. The Executive Director shall report to the Advisory Committee and assume such duties as the Advisory Committee may assign. The Executive Director shall be paid at a rate of pay for grade GS-18, as provided in the General Schedule under 5332 of title 5, United States Code.

(2) OTHER STAFF.—In addition to authority to appoint personnel subject to the provisions of title 5, United States Code, governing appointments to the competitive service, and to pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, the Advisory Committee shall have authority to enter into contracts with private or public organizations which may furnish the Advisory Committee with such administrative and technical personnel as may be necessary to carry out the functions of the Advisory Committee under section 303. To the extent practicable, such administrative and technical personnel, and other necessary support services, shall be provided for the Advisory Committee by the Chief of the Forest Service and the Director of the Bureau of Land Management.

(3) COMMITTEE RULES.—The Advisory Committee may establish such procedural and administrative rules as are necessary for the performance of its functions under section 303.

(f) FEDERAL AGENCY COOPERATION.—The heads of the departments, agencies, and instrumentalities of the executive branch of the Federal Government shall cooperate with the Advisory Committee in the performance of its functions under subsection (c) and shall furnish to the Advisory Committee information which the Advisory Committee deems necessary to carry out such functions.

SEC. 303. FUNCTIONS OF ADVISORY COMMITTEE.

(a) DEVELOPMENT OF RECOMMENDATIONS.—

(1) IN GENERAL.—The Advisory Committee shall develop recommendations for policy or

legislative initiatives (or both) regarding alternatives for, or substitutes to, the short-term payments required by title I in order to provide a long-term method to generate annual payments to eligible States and eligible counties at or above the full payment amount.

(2) REPORTING REQUIREMENTS.—Not later than 18 months after the date of the enactment of this Act, the Advisory Committee shall submit to the Senate committees of jurisdiction and the House committees of jurisdiction a final report containing the recommendations developed under this subsection. The Advisory Committee shall submit semiannual progress reports on its activities and expenditures to the Senate committees of jurisdiction and the House committees of jurisdiction until the final report has been submitted.

(b) GUIDANCE FOR COMMITTEE.—In developing the recommendations required by subsection (a), the Advisory Committee shall—

(1) evaluate the method by which payments are made to eligible States and eligible counties under title I and the use of such payments;

(2) evaluate the effectiveness of the local advisory committees established pursuant to section 205; and

(3) consider the impact on eligible States and eligible counties of revenues derived from the historic multiple use of the Federal lands.

(c) MONITORING AND RELATED REPORTING ACTIVITIES.—The Advisory Committee shall monitor the payments made to eligible States and eligible counties pursuant to title I and submit to the Senate committees of jurisdiction and the House committees of jurisdiction an annual report describing the amounts and sources of such payments and containing such comments as the Advisory Committee may have regarding such payments.

(d) TESTIMONY.—The Advisory Committee shall make itself available for testimony or comments on the reports required to be submitted by the Advisory Committee and on any legislation or regulations to implement any recommendations made in such reports in any congressional hearings or any rule-making or other administrative decision process.

SEC. 304. FEDERAL ADVISORY COMMITTEE ACT REQUIREMENTS.

Except as may be provided in this title, the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 305. TERMINATION OF ADVISORY COMMITTEE.

The Advisory Committee shall terminate three years after the date of the enactment of this Act.

SEC. 306. SENSE OF CONGRESS REGARDING ADVISORY COMMITTEE RECOMMENDATIONS.

It is the sense of Congress that the payments to eligible States and eligible counties required by title I should be replaced by a long-term solution to generate payments conforming to the guidance provided by section 303(b) and that any promulgation of regulations or enactment of legislation to establish such method should be completed within two years after the date of submission of the final report required by section 303(a).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 402. TREATMENT OF FUNDS AND REVENUES.

Funds appropriated pursuant to the authorization of appropriations in section 401,

funds transferred to a Secretary concerned under section 206, and revenues described in section 208(a) shall be in addition to the any other annual appropriations for the Forest Service and the Bureau of Land Management.

SEC. 403. CONFORMING AMENDMENTS.

Section 6903(a)(1) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (D) through (J) as subparagraphs (E) through (K), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph:

“(D) the Secure Rural Schools and Community Self-Determination Act of 1999;”.