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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. TAYLOR of North Carolina).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 10, 2000.

I hereby appoint the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Joe F. Hayes, Jr., Brevard First Baptist Church, Brevard, North Carolina offered the following prayer:

Father God, who spoke the heavens and earth into existence, thank You for first loving us and sending Your Son, Jesus Christ, that we might have a full and meaningful life. Forgive our many sins against You and against other people. Help us live at peace with our neighbors and in obedience to Your will as set forth in the Bible.

Gathered here today are leaders who have given their lives to serve others. Help them to love You first, their families second, and other people third, because without You first in our lives, without loving families, and without love for all peoples, we cannot expect this Nation to be great.

In the name of the Lord Jesus Christ we pray, 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 Florida (Mr. STEARNS) come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 277. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 314. Concurrent resolution authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit.

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

S. 1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

WE SHOULD NOT TRUST CHINA

(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, once again I rise to discuss the serious national security concerns associated with granting Permanent Normal Trade Relations status to China.

Just yesterday, it was reported that only 2 years after President Clinton allowed the sale of civilian nuclear technology to China, the Chinese government now refuses to keep its promise that it will not resell the nuclear technology to rogue nations. Instead, China has and continues to actively assist Pakistan and other nations with their nuclear programs using U.S. technology.

Mr. Speaker, these are actions that are unacceptable. We cannot and should not allow U.S. nuclear technology to be simply given away to rogue nations. And yet the Clinton administration wants to reward China for this conduct by expanding their trade status. Mr. Speaker, let us not make this same mistake twice. It is obvious that we cannot trust China.

I yield back the administration's PNTR request, which jeopardizes our national security and the security of all peace-loving nations.

TRIBUTE TO THE CORRECTIONAL HEALTH CARE PROGRAM CREATED BY BAYSTATE HEALTH SYSTEM, SPRINGFIELD, MASSACHUSETTS

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

Mr. NEAL of Massachusetts. Mr. Speaker, this is National Hospital Week, when communities across the country celebrate the people that make hospitals the special places they are. This year's theme sums it up nicely, Touching the Future With Care. It recognizes the health care workers, volunteers, and other health professionals who are there 24 hours a day, 365 days

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a year curing and caring for their neighbors who need them.

An example of this dedication is the Correctional Health Care Program created by Baystate Health Systems of Springfield, Massachusetts. The program won the National Hospital Association's prestigious NOVA award, which recognizes hospitals' innovative and collaborative efforts to improve the health care of their communities.

The Correctional Health Care Program is a joint effort by Baystate Health Systems and the Hampden County Correction Center to improve the state of inmate health care. Inmates serve an average of 14 months and then return to the community with whatever disease or problems they had when they entered. Failing to improve this health care, puts the inmates, their families, and the public at risk once they are released.

Baystate and Hampden County saw this public health care opportunity and developed a model which has had amazing results. Recurrence of incarceration at the Hampden County Correctional Center is only 4 percent, dramatically below the national average of 40 percent. Program supporters say this extremely low rate is a direct result of correctional health care programs like this.

The program gives inmates the chance to control their own health, helps them gain an element of self-respect and, in most cases, keeps them from returning to a life of crime in jail. In addition, it helps save public health dollars while fighting the spread of communicable diseases.

Mr. Speaker, I congratulate the Baystate Health Care System and the Hampden County Correctional Facility for this award-winning program.

CONGRATULATIONS ON OPENING OF JUVENILE RESIDENCE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Here's Help on the grand opening of the Debbie Wasserman-Schultz, Alex Villalobos, and Ron Silver Juvenile Residence.

This facility, named after the Florida State legislators who pushed for its establishment, will help teenagers overcome their difficult struggle with substance abuse.

The ravages of dependence too often destroy the lives of young people. And future leaders are often cast aside or lost under a pile of social service paperwork.

Special thanks go to Miami's Y–100's ''Footy,'' also known as John Kross, for his efforts as CEO of Here's Help. And to Dave Ross, manager of Clear Channel.

Others helped: Florida Governor Jeb Bush, who provided funding to furnish this home and renovate older facilities. Thanks also to Dan Marino and Emilio and Gloria Estefan.

I am heartened to see organizations like Here's Help trying to stem this tide of human suffering with community efforts, especially with the Friday opening of its new juvenile residency facility. I ask my congressional colleagues to join me in paying tribute to Miami Y–100's ''Footy'' and to Here's Help for the wonderful work they have accomplished and for the lives they have saved in this new juvenile residency hall.

EDUCATION

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, yesterday we celebrated National Teachers Day and paid tribute to some of our Nation's most important citizens, our teachers. Today, I rise to discuss school construction, an issue which is very important to the teachers in my district.

In my hometown of Las Vegas, Nevada, we have the fastest growing school age population in the United States. We have to build a school a month in order to keep up with the unprecedented growth. We have 1,200 students for every school in southern Nevada. That is twice the national average.

We have 210,000 people in our school district. Too many of these students, as many as 22,000, are being educated in trailers, being educated in portables. This is not an appropriate place for our students to be educated in. It is not an appropriate environment for our teachers to teach in.

The teachers in my district need school construction so that they can teach smaller classes and help their students learn better. I urge my colleagues to pass fair, common sense legislation that will help our teachers and benefit all of America's students. Let us pass school construction.

WHISTLEBLOWERS

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

Mr. PITTS. Mr. Speaker, why does the media seem to like some whistleblowers and dislike others? I will mention three names, three of the most famous whistleblowers from recent history.

In 1974, Karen Silkwood blew the whistle on the Cimarron Nuclear Facility in Oklahoma, claiming unsafe practices. Karen Silkwood died in a car accident that November while on her way to meet with a New York Times reporter. They say her death was not an accident and that documents she had in the car with her disappeared from the scene of the crash.

In 1995, Dr. Jeffrey Wigand broke with a big tobacco company to criticize that industry's practices. In a famous episode, his interview with 60 Minutes was taken off the air because of pressure from tobacco company lawyers.

Karen Silkwood and Jeffrey Wigand have both been lionized by Hollywood in movies starring Meryl Streep and Russell Crowe. Both names are synonymous in the media with persons who have been punished for telling the truth.

How about the third whistleblower? Linda Tripp blew the whistle on the most powerful person in America. She told the truth, a truth we might never have known had she not spoken up. And, yet, instead of a movie contract, Ms. Tripp faces the possibility of being the only player in the scandal to be convicted of a crime.

How is that for American justice?

CHINA

(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, something does not add up. China is taking $80 billion a year out of our economy now in trade surpluses, and reports say that China is buying tanks, planes, submarines and missiles with our cash. There are also reports that further say, my colleagues, that with our cash they are pointing their missiles, that we bought, at America.

And after all this, if that is not enough to bust your balsam, Presidents Ford and Carter endorsed President Clinton's plan to grant China Most Favored Nation trade status, now called normal. Normal, my two pairs.

Beam me up, my colleagues. Ford, Carter and Clinton will not get it until there is a Chinese missile shoved right up their assets.

I yield back whatever they are smoking at their press conferences.

OPENING DOORS TO THE PEOPLE OF CHINA

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

Mr. LINDER. Mr. Speaker, we have an opportunity to encourage change in China. PNTR for China will provide the Chinese people with access to western influence and ideas by forcing China to open their society to bring about positive economic and social changes.

George W. Bush recently commented on Ronald Reagan's ''forward strategy for freedom.'' The Reagan adage, as espoused by the Texas governor, is that ''the case for trade is not just monetary, but moral. Economic freedom creates habits of liberty. And habits of liberty guarantee expectations of democracy. There are no guarantees, but there are good examples from Chile to Taiwan. Trade freely with China and time is on our side.''

I also agree with Prime Minister Margaret Thatcher, who predicts that

democracy will move steadily up the scale from the village to the province and, ultimately, to the highest national level.

We cannot achieve these goals through economic isolationism. Wang Dan, a student leader at Tiananmen Square, said ''the west should not try to isolate the Communist regime. Economic change does influence political change.'' Let us support PNTR and allow free trade to open doors to the people of China.

TEACHER APPRECIATION WEEK

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, in honor of National Teachers Appreciation Week, I rise to pay tribute to our teachers. I would like to recognize Mike Weddle, a teacher from Waldo Middle School in Salem, Oregon, who was recently awarded one of the three Milken awards for his exceptional work as a teacher in Oregon.

Mr. Weddle was chosen to receive this award because of his constant efforts to go above and beyond the required duties providing the best possible education for the children of Oregon. Mike Weddle is just one example of the thousands upon thousands of teachers out there determined to make a difference in a student's life.

In cities and towns across my district, teachers arrive to greet their overcrowded classes of 25, 30 and sometimes 35 students. Many teach in less than ideal environments, in schools that many of us would not work in. But they come back, day after day, dedicated to teaching our children.

There are few things that are more important to the people in my district than the education of our children. However, we often take our teachers for granted and forget to say thank you for all the tireless work that they do. I am here today to say thank you. Thank you for working to ensure that every child has the opportunity to learn and to achieve his or her fullest potential.

Let us really say thank you to our teachers by passing the school construction bill.

□ 1045

AMERICAN TAXPAYERS DESERVE BUDGET THAT ELIMINATES WASTE, FRAUD AND ABUSE

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

Mr. STEARNS. Mr. Speaker, since 1995, Republicans have been working hard here in Congress to restore common sense to our Government. One of the ways we have done that is by declaring war on waste, fraud and abuse. American taxpayers work hard for their money; and when they send a portion of it here to Washington, the least we can do is spend it responsibly.

Our House Committee on the Budget has a website where the American people can report on examples that they have seen of taxpayer money being spent wastefully.

One such example is a company here in Washington, D.C., that was awarded a $6.6 million grant to find jobs for 1,500 welfare recipients. Nine months, $1 million later, this company had found only 30 jobs. This contract has since been terminated. But this is just one example. And, unfortunately, there are hundreds more.

Last year's budget contained a .38 across the board budget cut aimed at eliminating waste, fraud and abuse. I hope this is something we can build on this year in Congress. American taxpayers deserve to have their money spent responsibly. They deserve a budget that eliminates waste, fraud and abuse.

CONGRESS MUST PASS BIPARTISAN SCHOOL CONSTRUCTION LEGISLATION

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

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on this Congress to pass bipartisan school construction legislation to help improve our education for our children.

This week is the 15th annual Teachers Appreciation Week, and yesterday we celebrated National Teacher Day. As the father of a fourth grade teacher, I commend the House on passing this bipartisan resolution supporting our teachers.

But Congress must do more than pass nonbinding resolutions. To make real progress in education, Congress must pass substantive legislation to improve our schools so every child has an opportunity and none are left behind. We must take action to help make sure every neighborhood school in this country works to provide our children with a decent education. We must work in a bipartisan manner to help pass common sense solutions to the challenges facing our schools.

The first bill we should pass is the bipartisan Johnson-Rangel school construction bill. This compromise bill contains elements of my own construction bill to help local communities build new schools, relieve overcrowding, reduce class sizes, and help teachers give students the individual attention they need and deserve.

I am proud to be an original cosponsor of this common sense bill that will make a difference in our community schools. I urge the House leadership to bring this important bill to the floor immediately so Congress can have an opportunity to do more to improve our schools.

PROVIDING FOR CONSIDERATION OF H.R. 3709, INTERNET NONDISCRIMINATION ACT OF 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 496 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 496

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed two hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Ohio (Mr. HALL) pending which I yield myself such time as I may consume. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 496 is an open rule providing for consideration of H.R. 3709, the Internet Nondiscrimination Act. H. Res. 496 provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives points of order against consideration of the bill for failure to comply with clause 4(a) of rule 13, which requires a 3-day layover of the committee report.

H. Res. 496 makes in order the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be open for amendment at any point and provides that the amendment process shall not exceed 2 hours.

The rule allows the chairman of the Committee of the Whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration.

The rule also allows the chairman of the Committee of the Whole to postpone recorded votes and reduce to 5 minutes the voting time on any postponed question providing that voting time on the first in any series of questions is not less than 15 minutes.

Finally, the rule provides one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, as one who supports reducing the overall tax burden on American families, I wholeheartedly support this bill and the rule that brings it before us.

The high-tech revolution has changed the way that every American works and lives and has provided Americans with more freedom and prosperity. The high-tech sector accounted for 35 percent of the Nation's real economic growth from 1994 to 1998.

In Atlanta alone, according to the Metro-Atlanta Chamber of Commerce, we have more than 9,000 technology-related companies employing more than 165,000 technology workers. The high-tech sector is the engine of our current economic prosperity and has created thousands of new jobs and opportunities for our constituents, and we must ensure that excessive government intervention through discriminatory taxes and regulation does not threaten the future of the high-tech industry.

H.R. 3709 honors our pledge to ensure that barriers to future innovation, competition and growth in the high-tech sector do not discriminate against electronic commerce. The bill before us fulfills the promises made in 1998, when the 105th Congress unanimously passed the Internet Tax Freedom Act.

As my colleagues may recall, this important law prohibited for 3 years any taxes on the Internet access charges levied by service providers or any multiple or discriminatory taxes on Internet commerce.

The Internet Tax Freedom Act also created a commission to study if and how e-commerce should be taxed. The commission reported back to Congress after months of considering the complexities of tax law as it relates to the emerging e-commerce sector.

While the commission was not able to agree on a new format for dealing with this difficult challenge, a majority of the members did agree on one thing, the need to extend the moratorium. Under current law, the 3-year moratorium on Internet taxation is set to expire on October 21, 2001, and can only be extended by Congress. I supported the moratorium when it was proposed, and I continue to support it now.

There has been some confusion about the effect of the language of the moratorium, and I want to take a brief moment to mention that this moratorium does not affect the larger issue of States and localities collecting taxes on sales that occur on the Internet. The bill deals only with the discriminatory taxes against the Internet, taxes that would not generally be imposed or legally collectible by a State or local government on transactions involving similar services.

Despite the fact that this bill does not affect the issues of sales taxes, I do believe that the Advisory Commission was on target in stating that the current sales and use tax system is complex and burdensome. Clearly, some nationwide consistency and fairness between Internet and Main Street retailers is necessary.

While the ultimate impact of e-commerce on traditional retailers and State revenues is far from clear, an equitable and fair tax system should not disproportionately burden any type of seller.

What H.R. 3709 does do is extend the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce for 5 additional years.

The Internet Tax Freedom Act was aimed simply at preventing tax discrimination on-line, not at giving a tax preference, and the Internet Nondiscrimination Act continues this sound policy. This extension would give businesses, policymakers, and the public more time to ensure that the ultimate solution to this dilemma will be comprehensive, equitable, and conducive to the growth of all sectors of the American economy.

Too often, we have rushed into making tax policy with only our good intentions, and the final product is a tax code that has dozens of loopholes, hundreds of giveaways, and thousands of pages that even our best policy analysts do not understand. We cannot afford to do the same with the Internet. We can do better with America's money.

I congratulate the Committee on the Judiciary for their hard work on this legislation. This is a fair rule that allows all germane alternatives to be considered. I urge my colleagues to support it so that we may proceed with general debate and consideration of this bipartisan bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, this is a modified open rule which will allow for the consideration of H.R. 3709, a bill to extend, what we have heard, for 5 years the current moratorium on State and local taxes on Internet access.

As my colleague has explained, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule will permit all Members on both sides of the aisle to offer germane amendments. However, the rule places a time cap of only 2 hours for the amendment process.

Like the railroads in the 19th century, the Internet has revolutionized our way of doing business and has spurred our national economy to great heights. And like the railroads, the Federal Government has a significant role in encouraging and assisting and providing a legal framework for the growth of the Internet. With that role is the responsibility to make sure that we do not take any action to stifle this productive force.

The bill before us today and the process that brought us here does not give me confidence that we are taking that responsibility seriously. The bill is simple enough, but it has generated great controversy. It imposes an unfunded mandate on State and local governments.

The administration opposes the bill. It is opposed by 39 governors, Democrats and Republicans, including the governor of my own State of Ohio. It is opposed by the National Conference of State Legislators, the National League of Cities, the National Retail Federation, and others.

Some Members have accused the bill of trampling on the 10th amendment.

Despite the controversy surrounding the bill, the House is rushing headlong toward its passage. The Committee on the Judiciary held a markup with only one day's notice. The report to accompany the bill was only filed on Monday, requiring the Committee on Rules to waive the House rule requiring a 3-day layover for committee reports.

There were no hearings on the bill. I understand the Committee on the Judiciary is planning hearings later this month. This draws to mind the Lewis Carroll line from Alice's Adventures in Wonderland: ''Sentence first, verdict afterwards.''

In the case of this bill, we have passage first, hearings afterwards. And now we have this rule with time caps that could restrict the ability of House Members to go offer amendments.

Mr. Speaker, I point out these facts not to oppose the bill. There are certainly merits behind this measure.

Rather, I wish to make the case that a bill this important and this controversial deserves more careful deliberation than the House is providing.

The current moratorium does not expire until October 2001, a year and a half from now. There is no rush. We have the time to do this properly and responsibly.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DOGGETT).

□ 1030

Mr. DOGGETT. I thank the gentleman for yielding me this time.

Mr. Speaker, from the travel industry to the food industry, Internet commerce has spurred growth in all sectors of our economy. I believe we should encourage this new economy by minimizing regulation and maximizing the freedom to innovate on the Internet. The bill that we will have before us through this rule, the Internet Nondiscrimination Act, furthers that purpose. The bill extends the Internet tax moratorium which was too short as originally approved in this Congress, and it eliminates the grandfather clause of the Internet Tax Freedom Act that has enabled a dozen States, including my own State of Texas, to impose access charges on the Internet.

I believe that access to the Internet must be free, that we must prevent discriminatory taxes from being imposed now or in the future that would impede the ability of individuals and of businesses to gain access to the Internet and access to electronic commerce. Electronic commerce is still very much in its infancy, and if we burden it with regulations, if we overburden it with taxes, it will not be able to expand and achieve its full potential.

As a strong supporter of the Internet Tax Freedom Act when it was approved in 1998, I realized then that, while 3 years was all we could get approved in this Congress, it was insufficient to do the job of exploring the complexities of how any taxation in the future of this type of commerce would be achieved. That became particularly apparent in the overpoliticized atmosphere of the Advisory Commission on Electronic Commerce, which we asked to look objectively at this issue, but which was not able to resolve this and make a recommendation to the Congress.

Now, if this Congress were, as my colleague has just indicated, to do what this particular House this year and last year has demonstrated that it is most experienced in, and that is, doing nothing or next to nothing, we would not incur any additional burden on electronic commerce this year, because the current moratorium does not expire until October of 2001. So if there is inaction, nothing will occur that would be disadvantageous.

It is, however, an election year, and so this measure has been rushed through the Congress in the manner that was described, and that is unfortunate, because it would be good if we could have a dispassionate, objective, bipartisan review of these issues.

Our Republican colleagues have found it necessary continually to bring up measures to try to drive a wedge between the new economy, the high technology portion of our economy, and the Democratic Party. That is unfortunate, because I believe that only if we move in a bipartisan fashion are we going to be able to resolve these issues.

The State of Texas is one of those that has had the highest access charges, and I am pleased that we can provide a tax cut through this measure to the people of the State of Texas. The Texas Legislature would have been the better avenue for accomplishing that. They could have done it last year. It is unfortunate they did not.

The minority leader, the gentleman from Missouri, has spoken out in favor of an extension of the moratorium. He suggested 2 years. Naturally being an election year, the Republicans have come in and said, no, make it 5. If the gentleman from Missouri had suggested 5 years, they would have come in and said, no, make it 10. This is not the kind of process that is going to lead to a bipartisan addressing of these issues and eventually resolving how any commerce that transpires on the Internet, the goods and services that are sold over it, might be taxed so that we are not faced with virtual public schools and virtual fire departments instead of the real thing in the future if we see the total erosion of the State and local tax base.

So I would prefer a more deliberate process than this, but I think it is important to have some extension of the moratorium. The Senate will have an opportunity to look and craft this measure more carefully and see what the appropriate time limits are.

The much greater danger to the Internet that this bill does not address the problem that is raised by the gentleman from Georgia's bill to impose a 59.5 percent sales tax not as a State and local source of revenue, but as a Federal source of revenue, something about which I and other Members of our high tech advisory group as Democrats have strongly approved.

We feel that using electronic commerce as a source of Federal sales tax revenue poses a much greater potential burden, which this moratorium does not really reach. There is a lingering danger that Republicans, in their dogmatic zeal to junk the income tax code, will impose a new sales tax on all electronic commerce that adds 60 percent to the price of every purchase made online. We must both reject that bad idea and extend this moratorium.

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

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

I will just comment on the gentleman's comments who previously spoke about a 60 percent or 59.5 percent sales tax just to point out his own Democrat staff on the Committee on Ways and Means estimates that the next year tax, revenue neutral, to be about 24 percent. He will pick the worst scenario.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

UNFUNDED MANDATE POINT OF ORDER

Mr. CONYERS. Mr. Speaker, I have a point of order that I would like to make about the bill that is pending.

The SPEAKER pro tempore (Mr. SUNUNU). Since the Chair is about to declare the House resolved into Committee of the Whole, the gentleman is recognized to state his point of order.

Mr. CONYERS. Mr. Speaker, pursuant to section 425 of the Congressional Budget and Impoundment Control Act of 1974, I make a point of order against the consideration of the bill, H.R. 3709, the Internet Nondiscrimination Act of 2000. Section 425 states that a point of order lies against legislation which imposes an unfunded mandate in excess of $50 million annually against State or local governments. Page 2, lines 24 and 25 of H.R. 3709 contains a violation of section 425. Therefore, I make a point of order that this measure may not be considered pursuant to section 425.

The SPEAKER pro tempore. The gentleman from Michigan makes a point of order that the bill violates section 425(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentleman has met his threshold burden to identify the specific language of the bill on which he predicates the point of order.

Under section 426(b)(4) of the Act, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after that debate, the Chair will put the question of consideration, to wit: Will the House now consider the bill in Committee of the Whole?

The gentleman from Michigan (Mr. CONYERS) is recognized for 10 minutes and the gentleman from Pennsylvania (Mr. GEKAS) will also be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

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

Mr. Speaker, I have made this point of order because it is necessary that we obtain additional information regarding the impact that the bill's unfunded mandate will have on State and local governments before we approve the bill. This is absolutely necessary. I would submit that not a Member of this body has any clear idea regarding how much this legislation will cost the States. The reason is, is because we have not had a single day or even a single minute of hearings on the legislation. We are flying totally blind. The

Congressional Budget Office has taken a brief look at the issue and they have merely told us that it will cost the States upward of $50 million a year. But they have not told us how much more it will really cost.

I can tell my colleagues that the National Governors Association, led by Republican Governor Leavitt of Utah, has estimated that a single provision in the bill eliminating the current grandfather clause concerning Internet access taxes will cost the States $85 million in the first year alone. In Texas alone, the provision will cost $50 million this year, and $200 million by the year 2004. This could translate into 4,000 lost teachers and police officers in Texas alone.

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

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

The issue at hand, the point of order, is one that involves, as has been stated, the so-called unfunded mandates. The purpose of the rule that we have adopted for ourselves on unfunded mandates, the procedure, is one to inform the Members, to let them know that what they are about to consider and eventually cast votes concerning contains unfunded mandates. So that the procedure will follow its natural course, then when it comes time to consider the bill, the Members can vote up or down on the bill, keeping in mind and considering and placing weight as they deem fit, placing weight on the fact that there are unfunded mandates contained in the bill.

For that reason, we have already adopted the rule, we ought to proceed with the debate on the bill, and the Members will decide by voting on the bill finally whether or not unfunded mandates has anything to do with their final decision on the vote.

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

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

Could I ask the gentleman from Pennsylvania if he can tell us how much this bill will cost the States?

I yield to the gentleman from Pennsylvania for this purpose.

Mr. GEKAS. Yes, the gentleman can ask that.

Mr. CONYERS. Yes. Can the gentleman answer it?

Mr. GEKAS. The gentleman has no answer. The question is one that could be answered by saying, more than a few dollars.

Mr. CONYERS. I thank the gentleman for as precise an answer as he can muster at the moment. Could I also further inquire of the gentleman, have we had any hearings to help us with this particular problem?

Mr. GEKAS. If the gentleman will yield further, the gentleman has in his possession, I assume, because it is in the report, the CBO estimates concerning the subject. I cannot improve on the work of the CBO, much as I would like to.

Mr. CONYERS. The problem is really, have we heard from the governors of any of these States that will be affected in the course of the committee process?

I think that this point of order should lie ahead of time, Mr. Speaker, not after the vote. That is the whole point of a point of order under section 425, because it lies against legislation which imposes an unfunded mandate in excess of $50 million annually against State or local governments.

The cost of deferring consideration of the larger issue of the State tax simplification, which this bill effectively does, has been estimated as creating a State revenue loss of $20 billion per year, to say nothing of the private sector cost of complying with the complex State tax system. All of this lost revenue is going to have to come from somewhere, either in the form of reduced services such as police, fire and education, or increased income and property taxes. Neither is a very desirable policy outcome.

□ 1045

Now, I do not know if any of these estimates are correct or not, but I do know that we owe it to ourselves as legislators to learn the facts and determine the costs of the measure before we vote on it. Clearly, there is no rush concerning this matter. The current moratorium does not expire until October 21, 2001, 17 months from today.

I need not remind the Members that it was the majority party which passed the unfunded mandates legislation in the first place as the very first measure in the Contract With America during the 104th Congress. We were told with much fanfare that the Republican Party was going to stop passing mandates on the State, or, at the very least, we would be aware of the cost of a mandate before they enacted them.

Today, we will have an opportunity to see whether the majority will remain true to its promise to the States and the American people and uphold my point of order. We ought to look before we leap, and we certainly ought to know how much a bill will cost the States before we pass it.

Mr. Speaker, I urge Members to vote ''no'' on any effort to disregard this point of order and proceed with the consideration of the bill before us. I urge that the point of order be supported.

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

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is, Will the House now consider the bill in the Committee of the Whole?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 271, nays 129, not voting 34, as follows:

[Roll No. 154]

YEAS—271

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Cunningham
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Morella
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner

Weldon (FL)	Wicker	Young (AK)
Weldon (PA)	Wilson	Young (FL)
Weller	Wolf	
Whitfield	Wu	

NAYS—129

Abercrombie	Frost	Napolitano
Ackerman	Gonzalez	Neal
Andrews	Gordon	Obey
Baird	Gutierrez	Olver
Baldwin	Hall (OH)	Ortiz
Bentsen	Hastings (FL)	Owens
Berkley	Hill (IN)	Pascrell
Berry	Hilliard	Pastor
Blumenauer	Holden	Payne
Bonior	Istook	Peterson (MN)
Borski	Jackson (IL)	Phelps
Boswell	Jackson-Lee (TX)	Pomeroy
Boucher	Johnson, E. B.	Rahall
Boyd	Jones (OH)	Rangel
Brady (PA)	Kennedy	Reyes
Brown (FL)	Kleczka	Rodriguez
Brown (OH)	Klink	Rothman
Capuano	Kucinich	Roybal-Allard
Cardin	LaFalce	Sabo
Carson	Lampson	Sanchez
Clay	Lantos	Sanders
Clayton	Larson	Sawyer
Clement	Lee	Schakowsky
Clyburn	Levin	Scott
Condit	Lipinski	Serrano
Conyers	Lowey	Slaughter
Costello	Luther	Stark
Coyne	Maloney (CT)	Stenholm
Cramer	Maloney (NY)	Stupak
Crowley	Markey	Thompson (CA)
Cummings	Matsui	Thompson (MS)
Danner	McCarthy (MO)	Thune
Davis (FL)	McDermott	Thurman
Davis (IL)	McGovern	Tierney
Delahunt	McNulty	Towns
DeLauro	Meeks (NY)	Udall (NM)
Dicks	Millender-McDonald	Velazquez
Doggett	Miller, George	Vento
Dooley	Minge	Visclosky
Evans	Moore	Waters
Farr	Moran (KS)	Watt (NC)
Filner	Murtha	Wexler
Ford		Weygand
Frank (MA)		

NOT VOTING—34

Allen	Fossella	Moran (VA)
Baca	Gephardt	Myrick
Baldacci	Green (TX)	Oberstar
Barcia	Hinchey	Pallone
Campbell	Houghton	Rush
Capps	Kanjorski	Turner
Collins	Kilpatrick	Waxman
Cubin	Lewis (GA)	Wise
Deutsch	Lucas (OK)	Woolsey
Dingell	Mascara	Wynn
Engel	Meek (FL)	
Fattah	Moakley	

□ 1114

Ms. MCCARTHY of Missouri, Ms. SANCHEZ, Ms. BERKLEY, Ms. CARSON, Ms. MILLENDER-MCDONALD, and Messrs. CRAMER, MORAN of Kansas, and CROWLEY changed their vote from ''yea'' to ''nay.''

Mr. HINOJOSA and Mr. HOEKSTRA changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SUNUNU). The House will consider the bill in the Committee of the Whole.

Stated for:

Mr. PALLONE. Mr. Speaker, on rollcall No. 154, I was not present, due to a meeting called by the President at the White House. Had I been present, I would have voted ''yea.''

Mrs. CAPPS. Mr. Speaker, I was unavoidable detained earlier today and missed rollcall vote No. 154. Had I been here I would have voted ''yea.''

Stated against.

Mr. BACA. Mr. Speaker, I was unavoidably detained for rollcall vote No. 154. Had I been here, I would have voted no.

□ 1115

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3709.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

INTERNET NONDISCRIMINATION ACT OF 2000

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 496 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3709.

□ 1115

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet, with Mr. SUNUNU in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. GEKAS. Mr. Chairman, I ask unanimous consent that I may claim the time designated to the gentleman from Illinois (Mr. HYDE) as the proponent of the bill.

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

There was no objection.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the 105th Congress, we passed a piece of legislation that led to this day. The purport of that Internet Tax Freedom legislation of that Congress denoted that a study would have to be performed in order to determine the future of our new world of Internet.

One of the strongest recommendations made by the commission, the report to Congress being embodied in this beautiful blue book which I now place before the Chair, one of the strongest commendations there and recommendations was for the extension of the moratorium that the first bill, the one to which I just alluded, included and which does not expire now until October 1, 2001.

The extension of the moratorium then is the core of the bill that is before us. It calls for a 5-year extension of the current moratorium. Why? Because that is what the commission recommended. Why did they recommend it? Because they were split on what different facets of the Internet world are going to carry with respect to access charges and all the other complexities having to do with Internet interstate commerce.

So the best of all worlds is to give the Congress and industry and business and telecommunications, to give them all time to sort this out.

Mr. Chairman, one thing that should be said to clear up things in anticipation of the debate that is to follow, this does not impact sales taxes as they now exist across the Nation. What we are talking about is a moratorium on Internet access charges, more than any other single facet of what is happening in the Internet world.

What might happen to sales taxes and other problems that are fomented at the outer edges of the Internet world will be topics of hearings that we will be conducting in the Committee on the Judiciary in the weeks to follow, even in this session.

So we are going to cover all the complexities that exist in this whole new world of exchange. But in the meantime, we are pressing for the main stem of this bill, which is a moratorium to extend 5 years beyond the current one.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this measure, the Internet Nondiscrimination Act, is not really what it seems, because it merely addresses the most trivial of the Internet tax issues, the extension of the tax moratorium, and kicks the can down the road, so to speak, on the real issues, State simplification and the defining of what activity creates the necessary nexus for sales tax under the Supreme Court decision in Quill rendered in 1992.

By extending the current moratorium for 6 years, more than two presidential elections from today, there is far less of an incentive for the States and Congress to deal with these far more important simplification issues. Indeed, there is a real risk that by 2006, many interests will become so dependent on the current system that it will become impossible to ever revisit the issue of State tax simplification.

There can be no doubt that the present State system, which this legislation totally ignores, is a serious problem. First, the complexity of the system is daunting. There are over 6,500 taxing jurisdictions in this country. The jurisdictions generally require

separate collection, have developed overlapping definitions of goods and services subject to tax, specifying different sets of exemptions and audit systems.

Any retailer with a physical nexus to a State is subject to a myriad of confusing and complex State and local taxes.

The second point that needs to be made is that the legal uncertainty of the present system can be quite harmful, even for remote sellers because of the many questions left unresolved in the Quill decision. For example, would the mere presence of a computer server in a particular State constitute a substantial physical presence for State tax purposes? I do not know. How are purely electronic sales of books, movies, and sound recordings to be treated? We are not sure. Would the existence of a kiosk to place sales ordered through the Internet or a physical return facility constitute the type of physical nexus needed to establish sales tax collection authority? Who knows?

All of these issues can and should be addressed as a part of a comprehensive tax simplification effort, yet this will be far less likely to occur if we extend the present system to 2006.

I would also note that the process by which the bill has been considered is neither serious nor credible. There have been no Committee on the Judiciary hearings to obtain input from the interested or affected parties. Instead, our markup was scheduled on one day's notice, the bear minimum required under the House and committee rules.

This bill has been rushed to the floor waiving House rules specifying a 3-day layover requirement and against unfunded intergovernmental mandates.

So in my view, the entire process appears to have been more the result of partisan political considerations than sound policy, because why else would the Majority Leader announce the legislation is slated for floor consideration before the committee had heard from a single witness, or even scheduled a subcommittee full markup?

The majority appears to be using this legislation in a desperate effort to create the appearance of a serious high-tech agenda, even while they postpone and defer considerations of the larger issues.

It is ironic that the majority could claim to be a champion of the tax-free Internet at the same time that the chairman of the Committee on Ways and Means is proposing a new 30 percent Federal tax on sales transactions, including all electronic sales consummated over the Internet.

Later today, I will plan to support the Delahunt-Thune amendment, which extends the moratorium until the year 2003. Now, this approach will keep pressure on the Congress to deal with the more pressing problems of E-commerce and ensure that taxing authorities are not creating too many unwise toll booths on the Internet highway.

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

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, sometimes I am not certain around here whether we are making progress or not, but we certainly are working on a very, very important issue. The other side, the minority, at times criticizes us for not working enough. Yet, today we are being accused of rushing legislation to the floor. I disagree with that viewpoint.

I think we are all aware of the Internet and its importance to the country. I think if we look at the record, Republicans have, in fact, been stalwart leaders in trying to bring the Nation as a whole into the Internet economy.

Mr. Chairman, I rise in support of H.R. 3709, the Internet Nondiscrimination Act. The Internet is the engine that has fueled this massive expansion in our Nation's economy. This is the ''Internet Age'' and America is leading the way in innovation and development of this vital sector of our economy.

This bill is important because it tells the government: ''Keep your hands off the Internet.'' All too often we have seen the Federal Government stifle innovation and new technologies through heavy taxation and overburdensome regulation. We could cite the Justice Department's heavy hand in the Microsoft case, which is obviously causing serious tremors on Wall Street and is causing millions of Americans to lose a substantial part of their retirement savings because the equity values have been driven down because of the fear that innovation and technology improvements to society will be challenged by this Justice Department.

This bill will prevent States and localities from imposing access charges to the Internet. Many in this Chamber have received calls and letters from our constituents urging us not to tax the access to the Internet. This is in response to those thousands of e-mails and letters we have received from our constituents.

Allowing every taxing authority across the country to tax access to the Internet is the quickest way to destroy it, and certainly that is something that no one here wants.

I am concerned, however, about the effects this bill will have on the ability of States to collect sales tax revenue. My State of Florida is heavily dependent on sales tax receipts, as it does not have a State income tax. And I congratulate our State for not having an income tax.

Mr. Chairman, please understand, I do not favor taxes, sales or otherwise, that discriminate against the Internet. I supported the 1998 Internet Tax Freedom Act because I felt it was important at the time to give the Internet some room to grow absent the heavy hand of government. However, today we are facing a situation where businesses in my district and all across America are being discriminated against. If a person can evade sales taxes by making a purchase on-line, the small business on the street corner that sells that same product will, in fact, suffer.

The Internet is now thriving, and it is unfair to continue an unlevel playing field which gives Internet companies an advantage over the ''brick-and-mortar'' corner stores all across America. It is my hope that we can reach a compromise on this particular issue; however, I support the main intent of this bill, which is preventing the taxation of Internet access.

Mr. Chairman, I congratulate the gentleman from Pennsylvania (Chairman GEKAS) for his leadership.

□ 1130

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. NADLER), who is the ranking member on the Committee on the Judiciary.

Mr. NADLER. Mr. Chairman, today we consider a matter of vital importance to our Nation's future: how to nurture the development of the Internet commerce; how to provide a clear and predictable environment for e-commerce, free from multiple and discriminatory taxes, while at the same time protecting our local communities which need revenues to fund schools, to fund emergency services, such as fire and police, and hospitals, and so forth.

I take that balance very seriously. In New York Silicon Alley, which I am proud to represent, emerging high-tech firms are on the cutting edge of the new economy. They provide a vital new engine for economic growth and innovation. We need to foster that innovation and ensure its future.

For that reason, as the ranking member on the subcommittee, I took a leading role in seeking enactment 2 years ago of the Internet Tax Freedom Act, which provided for a moratorium on various taxes on the Internet and established a commission to recommend a rational, fair and predictable system of taxation that placed e-commerce on an equal footing with similar businesses.

The purpose was to ensure that the new economy not be stifled by multiple or unfair or discriminatory taxes, and that economic decisions in the private sector, insofar as possible, be made on economic, not tax avoidance grounds so as to maximize economic efficiency productivity, growth and fairness.

Mr. Chairman, unfortunately, the commission dropped the ball and could not agree on any approach. Rather than taking the time to deal with this important responsibility ourselves, we are faced today with a rushed piece of legislation that extends the moratorium, but fails to address the important questions of fair, nondiscriminatory taxation that will protect the new economy for multiple taxes, discriminatory taxes and other unfair burdens that could undermine the ability of the Internet to grow, prosper and

continue as an engine for economic growth.

In fact, as was mentioned, the bill was rushed through the Committee on the Judiciary so quickly, on orders from the House Republican leadership, that we will not have time to hold any hearings until next week, after this vote is taken. First you vote on the bill, then you have hearings to find out what you are talking about. Is that any way to deal with something this important? Shoot first and ask questions later?

Are we doing e-commerce or our communities any favors by acting so rash and irresponsible a manner? There are 16 months left in the current tax moratorium. I think we could have taken a day or two to hear from the industry and other interested parties and experts to craft more comprehensive legislation before voting.

It did not have to be this way. Instead of pushing through a bill that will not provide predictability and long-term protection for e-commerce that ducks the major issue, Congress today punts by simply extending the moratorium and dodging the important questions.

These issues will not go away. State and local governments will need clear rules on what they can and cannot tax. E-commerce companies will need to know what their future situation will be. Main Street businesses need to know that they will not be placed at a competitive disadvantage. If we fail to address these issues, as this bill does, we may very well face years of complex and costly litigation before the courts straighten it out.

But we are not doing that today, we are voting on a press release today instead of legislation that would take some responsibility for the future of the Internet.

We need to deal with the sales tax issue, the nexus issue and the access issue once and for all. We do no one any favors by avoiding the hard questions as this bill does. That future is too important to play politics with. While I am disappointed with the incomplete legislation we have before us today, I am also determined to move the process forward in the hope when the time comes to vote on a conference report, the bill will address these important issues.

Mr. Chairman, I will vote for this bill today, knowing it is a terribly flawed product, hoping that before we have a conference report it will deal with the issues we are dodging today. If the conference report does not, a lot of us will have a lot of difficulty supporting such a flawed product.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, I rise in support of this important legislation. Let me share some interesting statistics with my friends and colleagues. One-third of all economic growth today results in the new economy based on technology. High-tech wages are 77 percent higher on average than the other private sector jobs; 37 million Americans access the Internet every day. Clearly, the new economy offers great opportunity for all Americans.

Mr. Chairman, I am proud to say that Illinois is a high-tech State. Illinois ranks fourth today in technology employment. We rank third in technology exports. This issue is important to the people of Illinois, and it is a simple bill. We are just saying, no new taxes on e-commerce. No new taxes; pretty simple message.

The U.S. Department of Commerce estimates that the number of new websites and Internet users doubles every 100 days. This issue is whether or not we impose any new taxes on Internet and e-commerce sales.

Let us remember traditionally that government has always been very creative in finding new ways to tax. We are just saying no new taxes.

At a time when the new economy is growing so strongly, creating one-third of all the new jobs, we want to keep it growing. I am proud that Illinois has been leading the way. I am proud that Illinois made the statement 2 years ago that it will not tax Internet access charges subjecting them to the State's sales tax, the telecommunications tax.

Illinois has already led the way, and we are following the lead of States like Illinois, because Illinois wants a growing new economy. The new economy is growing today because we have a simple agenda here in this Congress. The majority wants a tax-free, regulation-free, trade barrier-free new economy and because of that, it is growing, creating new opportunity for millions of Americans.

There is no excuse for delay. We are hearing lots of excuses because some people want to tax the Internet. No more excuses; no new taxes. No new taxes on the economy. Let us vote aye.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. WATT), a member of the subcommittee.

Mr. WATT of North Carolina. Mr. Chairman, I thank the ranking member of the Committee on the Judiciary for yielding me the time.

Mr. Chairman, let me be clear that I originally supported the appointment of a commission and the original moratorium, because I thought the whole issue of how we tax Internet sales was a very, very complicated issue which had substantial implications for commerce, as well as substantial implications for local governments and their ability to support initiatives at the local level.

I thought that we could not in the Committee on the Judiciary make a quick judgment about how to create a level playing field between brick and mortar stores and e-commerce sales.

The Commission has failed in my estimation, and I think we do need some kind of extension of the moratorium. I do not think that 5 years is an appropriate extension. I think it is way too long to extend this moratorium, because what we have in addition, related to the moratorium itself, is a companion issue which deals with how we create a level playing field between retailers and other businesses that are operating in brick and mortar stores and people who are selling over the Internet.

Right now, brick and mortar stores are at a competitive disadvantage because they have to collect local sales taxes. In many cases, e-commerce is able to evade those local sales taxes, and that puts brick and mortar stores at a competitive disadvantage.

So if we are going to create a level playing field for both e-commerce and brick and mortar local retailers, we need to deal with how we do that at the same time we deal with the extension of the moratorium. To delay how we create that level playing field for 5 or 6 more years, actually 6 more years, not just the 5-year extension, because this 5-year extension does not pick up until a year from now, we are talking about a 6-year extension of a moratorium that really puts in place an unlevel playing field for that 6-year period.

I think that is terribly unfair to our existing brick and mortar stores in our communities. It is terribly unfair to local governments who rely on the ability to tax to support their activities.

So I hope my colleagues will oppose this bill and support the Delahunt amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, the beauty of the Internet economy is that there is almost no limit to what one can accomplish if one has access to it. E-commerce offers every citizen the chance to be an entrepreneur and to pursue the American dream. It puts David on a level playing field with Goliath, giving the smallest mom and pop business the opportunity to reach the same customers as the industry giants.

Our responsibility as elected leaders is to knock down any barrier that unfairly denies Americans the chance to participate in this new economy, whether it is access charges or double taxation of on-line purchases or the ancient sales and use tax laws that some want to resurrect for Internet sales.

The measure before us would provide a 5-year extension of the moratorium on new taxation of the Internet. This moratorium is America's first line of defense against unnecessary government intrusion in the new economy. It is essential to preserving the evolution of the Internet and making it accessible to every citizen.

Mr. Chairman, no one can say with certainty where the Internet will lead us or which opportunities it will yield. But we do know the Internet is working for America, and we know it is that freedom that is what is making the Internet work.

I urge my colleagues to support this bipartisan bill.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Subcommittee on Commercial and Administrative Law. No one has worked harder on this than him.

Mr. DELAHUNT. Mr. Chairman, last year, in 1999, State and local governments lost $525 million in anticipated sales tax revenues on e-commerce or so-called Internet sales. Researchers from the University of Tennessee estimate that on-line sales will grow to $200 billion by 2003. Unless there is a system that is in place that enables the States and local governments to require out of State merchants to collect taxes on their sales to in-State residents, they will lose more than $20 billion annually by 2003.

This chart on my right lists all 50 States in their projected sales tax revenue losses for the single year of 2003. Some examples are instructive. Florida will lose $1.4 billion in sales tax revenue. Texas will lose more than $1.7 billion in revenue.

It is important to note, by the way, that Florida relies upon the sales tax for 57 percent of its total revenue, and Texas relies upon the sales tax for 51 percent of its total revenue.

It is easy to imagine how these kinds of losses affect a State or local government's ability to provide for basic services such as police and fire protection or a viable educational system. They will either be compelled to cut back these services or more likely raise income taxes and/or property taxes. No way will this underlying bill cut taxes. It is important to be clear about that. At best, it will only shift them.

Now, how do we get to this point, where the States are forced to deal with ever-increasing shortfalls in anticipated sales tax income? Well, in 1992, the Supreme Court ruled that a State could not compel an out-of-State business to collect the sales tax for a product or service sent into that State. This inability to collect from out-of-State merchants coupled with the dramatic but very recent explosive growth of e-commerce has created a serious fiscal problem for State and local governments.

Furthermore, this issue is not just about declining sales tax revenues to State and local governments, it disadvantages small business as well. Those merchants in our neighborhoods and communities that make up our local Chamber of Commerces, how can they compete when there is no sales tax parity.

□ 1145

One can imagine deserted shopping malls and empty storefronts downtown. The digital divide should not be extended to American business or to those who patronize them. We will have two classes of American consumers and two classes of American business and no level playing field for either.

The States understand these issues, and by their own initiative, have formed the so-called streamlined sales tax project. Let us leave it to the States.

Mr. Chairman, later on, I will submit an amendment that will reduce the 5-year underlying proposal to 2 years.

Mr. GEKAS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this sales tax debate is very interesting. In fact, we are going to continue that debate with hearings in the Committee on the Judiciary soon. But as far as this legislation today is concerned, it is nothing more than a red herring attempt to divert the attention of this Congress and the American people from the task we have at hand today, which is to protect folks like the young students that were at our E-contract 2000 press conference with the majority leader a little while ago, who themselves, 15-year-old kids, said do not put taxes on access to the Internet.

That is what this bill is about, keeping some of the most unfair, most regressive taxes, taxes that hurt the lowest income Americans from being imposed on the Internet and denying those people the opportunity to participate in the information age, the educational opportunity, the opportunity to shop on-line. When we allow States or other entities to impose those taxes, they hurt the lowest income people the most, but they hurt the Internet, which is benefitting the United States as well.

It is vitally important that we take a very, very cautious approach towards allowing taxes of any kind on the Internet, because the Internet is the engine causing our economy to grow. Nearly half of the growth in our economy is attributable to the high-tech industry, and the Internet is the engine that is driving that growth.

We have, so far, been very successful in encouraging 135 nations around the world, members of the World Trade Organization, from restraining this impulse to put more and more taxes onto the Internet. And that is what we are trying to do today, is to set an example for the States, but, even more importantly, for the rest of the world; that as this economy grows, we not tax it to death.

There is a saying here in Washington that when government sees something moving, they try to regulate it to death. If it keeps moving, they try to tax it to death. And then, of course, if it stops moving, well, then they subsidize it. That is not the model for the Internet. We have been able to keep it free of taxes, we need to continue in that direction.

This is a great first step in that direction, and I urge my colleagues to reject amendments that would shorten this extension of the moratorium of 5 years and to reject amendments that would eliminate the provisions in this bill that take out the grandfathered States.

Let us be fair to everybody and let us reject the idea that this has anything to do with the States collecting their sales taxes. It does not. It is simply a way for us to protect American citizens from unfair and discriminatory taxes on the Internet.

I urge my colleagues to support this legislation and reject these amendments that are going to be offered.

Mr. Chairman, I submit the following letter to the Speaker from the Governor of Virginia in the RECORD:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, May 9, 2000.

Re: H.R. 3709

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

DEAR SPEAKER HASTERT: Thank you for your efforts in moving H.R. 3709 to a floor vote tomorrow. You and Majority Leader Armey are to be commended for the leadership you have demonstrated in moving the Advisory Commission on Electronic Commerce's recommendations from concept to swift legislative action. The people of the United States can be proud of your efforts on their behalf.

Please extend to your colleagues in the House my encouragement to vote for H.R. 3709 in its current form. Congressman Cox and Congressman Goodlatte have crafted a bill that will protect millions of women and men who use the information from unfair and discriminatory tax burdens and from taxes on their monthly Internet access charges.

The extension of the moratorium against ''multiple and discriminatory'' taxes targeted at the Internet is necessary to protect the Internet from tax and regulatory burdens that will inhibit full growth of the Internet. In the words of President Reagan, ''The government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it.'' What's moving in the Internet Economy are bits and bytes and electrons of Internet through cables and wireless satellite connections—and the moratorium presented in H.R. 3709 is necessary to protect government's inherent appetite for more revenues even during times, such as we enjoy today, of economic plenty.

The prohibition against taxes on monthly Internet access fees is necessary to reduce the financial burden on working men and women and families who want to log on the Internet. This is crucial for several reasons. First, America's policy should be to encourage all Americans to log on the Internet and empower their lives with access to all of the social, educational and economic opportunities located on the world wide web. Second, a prohibition against taxes on Internet access would reduce the price of Internet access and thereby help close the ''digital divide.'' Third, Americans already pay a tremendous tax load to log on the Internet because of the taxes they pay on telephone and cable lines they use to connect to the Internet.

Moreover, these basic tax protections are necessary if the people of the United States are to realize all of the social and economic benefits promised by the Internet and if the United States is to maintain its economic dominance in the Information Economy.

For all of these reasons, I encourage the House to pass H.R. 3709 tomorrow.

Very truly yours,

JAMES S. GILMORE, III,
Governor of Virginia.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK), a real States' Righter.

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for yielding me this time.

I have had a personal computer on my desktop for over 15 years, using it daily, watching it become an important part of work, of entertainment, of information gathering, of finding out the news, of doing research. I use it constantly. And I hear people say, well, do not tax the Internet. Okay, that is fine. I do not want to tax the Internet. But I do not hear those same people saying do not tax telecommunications, do not tax department stores, do not tax clothing stores. Where is the principle of fairness and consistency?

If we tell businesses that by hooking up with the Internet they gain exemption from taxes, competitive pressure means all businesses will work through the Internet to exempt themselves from taxes. But we are not talking about Federal taxes that we are deciding. We are taking away the ability of our States and our communities to have the tax base that pays for schools, that pays for roads, that pays for police, that pays for fire protection.

Do not tell me to not tax the Internet unless we want to also say we will not tax telecommunications. Get rid of all of them. My cable modem at home comes through our cable TV provider. There is a tax on it. Do we say we will grandfather that one in, but if California or somebody else wants to do the same thing, they cannot do it? There is no principle of fairness, no principle of equality.

We have traditional businesses. They have been in our communities. They have sponsored little league teams, they have picked up trash by the side of the road. They have helped with the PTA and school plays. But we say we do not care about them because there is a new kid in town that looks mighty attractive to us and we only care about them.

Now, I realize this bill purposefully evades the big issue, which is equal treatment of collecting sales taxes. And people say, oh, well, we will worry about that later. Yeah, after 5 more years, on top of another year and a half to go. Justice delayed is just denied. Decisions delayed are decisions denied.

Mr. Chairman, we need the principle of fairness, and we should not take the easy decision. We are going to eat our dessert, but we are never going to deal with eating our vegetables. Let us put the decisions all in one, as we did in telecommunications reform, as we did in financial services reform. We should not put off the tough decisions.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I just want to say that I have gotten more mail on this issue than any other, other than satellite television, in the last 16 months, and this is a classic letter:

''Dear Mr. Walden, I am a registered Oregon voter who uses this service of long-distance e-mail often, and I do not think it is right for the U.S. Postal Service, telephone companies, or any other entity to tamper with a person's right to free Internet e-mail. I am posting my no vote with you, my State representative. Thank you, sincerely, Mrs. Marilyn D. Icenbice of Klamath Falls, Oregon.''

She is right. We are going to stop that and prevent that from occurring.

And let me talk a minute about temporary taxes. There is a temporary tax on our phone right now that was put in place to fund the Spanish-American War. Like my colleague from Oklahoma just talked about some of these taxes, we are going to get rid of that one, later this month, hopefully.

So a temporary tax never goes away. And if we allow the Internet to get caught up in that, we are in real trouble. Because the Internet and high-tech has been the economy that is fueling what is going on in terms of growth in America. Not in all sectors, but certainly an important sector. And we can do the best to expand the Internet into rural areas, like my district, by keeping it tax free.

I urge my colleagues to support this moratorium.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the subcommittee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank those who have come to the floor to debate this issue because it requires debate.

In fact, I would have wanted us to have deliberative hearings in the Committee on the Judiciary, as the Committee on Commerce has proceeded in hearings, to really answer the questions and concerns that are expressed about the Internet by the proponents of this legislation and to address the crucial issues as evidenced by those who oppose.

I listened to a previous speaker who indicated that there are 37 million individuals who access the Internet every day. Well, there are 17 million citizens, approximately, in the State of Texas who are not able to speak for themselves when this legislation will cause them to lose $50 million a year in Internet access taxes, or almost 51 percent of their revenue with the loss of $1.7 billion.

Mr. Chairman, I do not understand why we would move so precipitously to pass this legislation when there is still 18 months left on the present moratorium and to eliminate States, such as Montana and Ohio and Texas, those people who depend upon that revenue for education and health care services, that we would eliminate their opportunity to continue their structure of taxation.

In fact, Texas has stopped, or at least Texas has exempted the first $25 per month in access fees from taxation. They have structured their own taxation structure. But yet we come, without any hearings, to eliminate the opportunity for those States to continue to assess those fees and to receive revenue.

I would argue that we are way beyond where we should be. We realize that the Internet can be expected to generate $350 billion a year within the next 2 years for electronic sales. That is the reason why we must do a measured and decided study on what we do.

I support the Delahunt amendment. I have an amendment to include the grandfathered States. This is a bad bill the way it is. We are moving too quickly and we are hurting a lot of people.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Chairman, this is indeed a defining moment. We are really separating ourselves into two different camps here.

On one hand, we see those who see a digital divide. On the other hand, we see those who see a world of digital opportunities. On one hand, we see people who think the world is all about a zero-sum game of stagnation and redistribution. On the other hand, we see people who understand the world is about growth, development, innovation, jobs, new products and new discoveries in our life.

Mr. Chairman, the fact of the matter is every State, every municipality in America knows that high-tech America is a world of digital opportunity, where there is economic growth, there is a new firm every day, there is a new idea every day, there is a new product every day, and every one of these communities, all flush with cash, are offering digital America whatever tax concessions they can to come locate in their State, come locate in their city.

They promise a tax break because they know what economic growth, increased jobs will do to improve their schools, to improve their community. Clean economic growth. High-tech members of the community. Good citizens all. Every one of our States wants them. But, as soon as the States then turn their attention to milking that cash cow that they worked so hard to bring, then they say, well, we really have a zero-sum game here. Now we need to have discriminatory taxation against this very same institution called high-tech America.

This Congress says we are for growth. We are for development. We are for the increased job opportunities and the better community that every one of these communities seeks when they go

to a high-tech firm and they say come locate here. And my colleagues all know we do it.

Now, one final point. Mr. Chairman, I am from Texas, and Texas was grandfathered in for sales taxes. And I am in support of this bill, even with the removal of the grandfathering States. Why? Because Texas is better served by growth, economic development, expansion, invention, creativity, innovation, discovery and the wonder that comes with high-tech America than they are served with the paltry little bit of sales tax increase they can get by applying discriminatory taxation to the driving engine of the American economy.

□ 1200

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT.)

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the economic dream of America is still alive and well in Central Texas. A business can begin in a dormitory room, as Dell Computer did, or in a garage, as hundreds of start-ups in our community have done, and can grow into a multi-million dollar publicly traded corporation.

This is an old principle of America that has now been applied in what we call the ''new economy''. And if these start-ups, some of which are very small, struggling companies before they become big prosperous companies, are overburdened with having to file tax returns as thick as a telephone directory in some 30,000 jurisdictions across the country, we will stifle the growth of this new economy.

That is why I was an early supporter of the Internet Tax Freedom Act and why I will vote for this Internet Nondiscrimination Act.

I also believe that there is great merit in permanently banning all forms of taxation that could be imposed on use of the Internet itself, on getting on the Web. We have seen that the Europeans have slowed the growth of electronic commerce in their countries because it costs too much and they get taxed too much even to get access to the World Wide Web. Let's ''free the web'' of taxes throughout America.

I believe that a tax-free zone on the Internet will encourage the growth and stimulation of this new economy and all the innovation, the associated creativity that holds so much promise for the future of America.

But I also know that our new economy has boomed in Central Texas, largely because of entrepreneurial skill, an educated workforce, and a quality of life with some secure neighborhoods, and environmental awareness. If we do not have the local tax base to provide a police department, if we have to rely on a virtual fire department, if we cannot get the resources to upgrade our workforce and our public education system, then our new economy will suffer just as much as if we are overburdened with taxation.

Texas has some of the highest access charges in the country. I do not know why some of our State Republican leaders, who have offered so much pro-technology rhetoric, have not worked to repeal those taxes, but they have not. And, so, we are doing that in this bill.

The Internet Tax Freedom Commission failed in its responsibility to balance these conflicting concerns.

In short, what I would say today is that a good concept is being applied in this bill in a bad way, it is being rushed through not to help the Internet but to help in the next election. The desire is to mislabel Democrats as being pro-tax and anti-tech. That is wrong.

We should be coming together to resolve this issue, not having the kind of electoral grandstanding that is occurring here.

Further, there is a danger that an extended moratorium will open the door to the 59.5 percent Federal sales tax that the gentleman from Georgia (Mr. LINDER), who was just out here, and too many Republicans have been advocating.

Republicans are advocating replacing the Income Tax Code with a 60 percent tax on every Internet transaction. That would be a real setback.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GEKAS) for giving me this opportunity and for his leadership on this issue.

Mr. Chairman, we have just heard a lot of rhetoric. And that is what it is. It is rhetoric. It is not fact.

E-commerce is a vital building block in America's future. We are being told that the changes in the next decade will quickly overshadow the changes of the 1990s. Think about that. We are going to overshadow this progress that we have made in the last decade in a couple years. And it has been hard for me to fathom the changes that we have seen in just the last few years.

What should we do? My father was an 8th-grade-educated steelworker but wise beyond his formal education. When I got in government, he said to me, Son, when you get in government, first do no harm. Do not get in the way. Do not stop progress. Do not let government overregulate, control, or tax success that is the major force in growing our quickly changing economy in this society.

If we want something to slow up, tax it. If we want something to stop growing, tax it some more. If we want something to go away, tax it again and regulate it.

What should we do? Well, I was a bricks-and-mortar retailer for 26 years. We heard their defense today. If I were a retailer today, I would be using e-commerce to expand my business, not for defense.

By using the Internet, every American entrepreneur has the chance to go to a global marketplace without building further infrastructure. We must try to get everyone to understand the potential of the Internet, that is where we need to put our time, and teach them how it use it, promote access, and make sure they all have the fast pipeline, that they can use the Internet in the most efficient way.

Let me tell my colleagues what we have not heard enough talk about is adjusting our educational system to the high-tech society of today. We are not preparing the workforce of today for the technology jobs of today. Hundreds of thousands, if not millions, of jobs are going begging in this country, good paying jobs, because we are not up to speed with the technology changes.

So let us keep government out of the way, what we are doing with this legislation; let us not promote and allow further taxation to stop this growth; let us have incentives to educate the public so they understand how to use it and benefit from it, incentives to expand the pipeline so everybody has the high-speed pipeline; and last, but not least, drastically look at our educational system and expand technology education in this country by big numbers, because the academic system we have is not training people for the high-tech jobs of today, and the companies that are growing and paying the taxes that will fund our governments need high-tech workers that we need to make sure are available for their future.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, in October of 1998, we overwhelmingly passed the Internet Tax Freedom Act, a law to keep the heavy-handed government taxes off the Internet. We passed this law because we all know that if we overburden e-commerce by taxing it, it will never achieve its full economic potential.

This 3-year moratorium has worked. Over the past years, the growth of Internet use has been tremendous. The number of Internet users doubles every 100 days according to the U.S. Department of Commerce and accounts for 15 percent of our total economic growth.

Many of us are talking about closing the digital divide. What better way to make the Internet more affordable for everyone than by extending this tax moratorium.

With the rapid growth of the Internet and the economic benefits that it brings, use of the Internet should not be restricted by multiple and discriminatory taxes. That is why this legislation to extend the Internet tax moratorium for 5 years is so important.

I urge my colleagues to support this important legislation.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS).

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

Mr. DAVIS of Virginia. Mr. Chairman, the Internet is the most empowering invention since the printing press. It allows individuals now when they go to buy things to have the buying power that was once reserved for retailers.

Mere students at the elementary school level can now have access to information that was once reserved for educational elites and kings and princesses. This will empower people to make better decisions and help their own lives.

Yet, we still have a digital divide in this country where too many people do not have access to the Internet, their kids do not have access. The challenge to us is that this gap between the rich and poor, which has been widening, will not widen further with the growth of technology.

This moratorium is an effort to bridge this digital divide by saying we are not going to put taxes on this and people who cannot afford this today are not going to be priced out of the market by excessive governmental taxation. That is all this does. And for 5 years it gives us the opportunity for businesses to make their plans over that time.

It does not address the sales tax issue. That is a constitutional issue. It was raised in Quill v. North Dakota. This Congress can address that any time it wants to come back, or it can be addressed through the courts. But it does say that we are not going to have over 7,000 different local taxes and fees relating to the Internet all over this country, that we are not going to do the usual philosophy that if it moves, we tax it, if it keeps moving we regulate it, and when it stops moving we subsidize it.

We are going to allow the entrepreneurs and the businesses that have built this Internet and that have programmed the software that has made this available to the average citizen's fingertips, we are going to allow them to keep on doing what they have been doing and grow the economy.

There is no question we are due for a tax overhaul in this country. The information revolution changes the whole paradigm in terms of how people make wealth. At the local level, it is still measured in property taxes. I spent 15 years in local government. The property tax no longer gives us the financial ability in many jurisdictions to raise the money for education and public safety and the like.

Wealth has moved into knowledge, and this is something for over the long term as we address our IRS Tax Code. That is why I move that we try to scrap the Tax Code and rethink how we tax people. But this is a signal to all of the entrepreneurs and businesses out there in making their plans that the Internet is off limits for State and local governments over the next 5 years.

They are already getting increased receipts as a result of the development of the Internet. Every new phone line that comes in, there are access charges related to that. Phone bills that go in, those are Internet fees. They are paying that to State and local government. Sales of equipment. My colleagues do not think they have sales taxes on the sales of equipment and the like? Electric bills. The new employees that are created pay all different kinds of taxes.

Revenues are up at the State and local level, and a lot of this is because of the Internet. If we put a tax on top of this, it not only hurts us domestically but it hurts us across the globe.

America is 5 percent of the world's consumers. Ninety-five percent of the world's population lives outside the United States. If we start taxing it here, we start talking about destroying the goose that laid the golden egg. That is the end of American dominance of the world economy on the Internet.

Mr. Chairman, I rise today as an original sponsor and enthusiastic supporter of H.R. 3709, the Internet Nondiscrimination Act. With Internet use and global electronic commerce growing at an astronomical pace, it is inarguable that the Internet is emerging as the most unique and the fastest-growing tool of communication known to mankind. The Internet facilitates not only economic growth but the easy dissemination of ideas and information from almost any spot in the world. We are at the tip of the iceberg in terms of the potential that the Internet can offer both cheaply and quickly.

Yet an ever-present concern plagues many of us who understand the need to foster the Internet's continued growth: the government interference in the electronic marketplace—whether it be through regulation or tax policy—will create barriers that interfere with the transformation of the Internet into the repository of global communications and commerce for the 21st century.

Two years ago, we recognized that state and local taxation in electronic commerce would require a thorough analysis before we could formulate a balanced and restrained federal policy on the taxation of goods and services sold over the Internet. While most of us agree that regulation of the Internet would hinder technological innovation and economic growth, we also understand the legitimate needs of state and local governments who use sales tax revenue to fund services for their citizens. We enacted a 3-year moratorium on Internet access taxes and multiple and discriminatory taxes on goods and services sold over the Internet. We also created the Advisory Commission on Electronic Commerce to begin that process and identify all of the integrated issues that arise in the context of taxation and the Internet Economy.

As we all know, the Commission reported its findings and proposals last month. While the Commissioners could not agree on a way to resolve the thornier issues of sales and use taxes and Internet access charges, among others, they did provide a critical basis for us to continue discussing how we prevent Internet taxation from discouraging every American's access to the Internet and inhibiting electronic commerce. And among their recommendations was a proposal—supported by a majority, 11 out of the 19 Commissioners—to extend the current moratorium on those types of taxes for another 5 years.

I understand that some of my colleagues believe the moratorium should not last as long as 5 years and others believe that we have to address this important issue in a comprehensive manner. To the latter concern, I wholeheartedly agree—this issue needs to be resolved in a methodical and holistic manner. But we need to implement a realistic time frame that will allow us to resolve each and every layer of the problems presented by taxation in a digital world.

This problem cannot be about politics. It cannot be about one side fighting at all costs for victory over another. 56 percent of U.S. companies will sell their products online by 2000. The Internet Economy now accounts for 2.3 million jobs. Global Internet commerce has generated nearly $145 billion in revenue since 1998. The U.S. not only has the fastest-growing number of Internet users, but the largest proportion of e-commerce consumers.

How we address Internet taxation without hindering Internet access and expansion is one of the most important long-term economic policy decisions that our nation will make. That is why a 5-year moratorium is critical. I want to congratulate my colleague, Congressman COX for his steadfast and outstanding leadership on this issue. I urge all of my colleagues to support H.R. 3709 and oppose any amendments that weaken the extension of the Internet tax moratorium.

Mr. Chairman, I urge adoption of this bill.

Mr. CONYERS. Mr. Chairman, how much time remains on each side, please?

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining. The gentleman from Pennsylvania (Mr. GEKAS) has 10½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I include for the RECORD the following editorial from the Washington Post dated today, May 10, 2000:

A DEMAGOGIC BILL

The House is scheduled to vote today on a five-year extension of the current ''moratorium'' on Internet taxation. The extension is deceptive legislation that in the short run doesn't do what most people think and that in the long run could do real harm. The measure does not ban state sales taxes on e-commerce—transactions over the Internet. But it sounds as if it does, which suits the sponsors just fine.

They pose as champions not just of a tax haven but of a technology in which America leads the world (and of an industry that has become a major source of campaign donations). Not to worry that the electronic commerce they embrace poses a serious threat to the sales tax base of the states whose interests they also profess to champion. That is another day's problem.

Not all members were prepared to join in the grandstanding. ''When it's convenient, we all give lip service to the 10th Amendment, pledging allegiance to local and state government rather than federal control,'' Rep. Ernest Istook said in a letter addressed mainly to his fellow Republicans. ''Yet this week there is a rush to trample that 10th Amendment, hoping to buy favor with a select few groups.'' ''Who will educate the

Internet entrepreneurs of tomorrow, if the state and local tax base is destroyed,'' he asked. ''The Internet should not be singled out to be taxed, nor to be freed from tax.''

What the bill actually imposes is a moratorium not on electronic sales taxes but on taxation of access to the Internet, the monthly changes from AOL and similar providers. States remain free to levy taxes on Internet sales. Their problem is that they often can't collect them. The Supreme Court has ruled that they can't require out-of-state sellers to do the collecting for them in the same way they do in-state merchants. The threat, as more and more commerce shifts to the Internet, is not just that the states will lose revenue but that traditional merchants will be placed at a competitive disadvantage. The disadvantage could have the effect of accelerating the shift to the Internet, in which case the process will feed on itself.

The answer is for the states to make their tax codes more uniform—not the rates, but the definitions: what constitutes food, for example, which is often exempt. Then Congress should authorize an interstate compact, under which sales taxes on e-commerce could easily be collected and remitted by computer. The National Governors Association is working toward such a result, which the Supreme Court would likely countenance. Instead of a show vote such as this, implying that it opposes such an outcome, the House should cast a vote in favor of it. The harm in this legislation is not what it actually does but in the commitment it implies—that the Internet will be tax free. Mr. Istook asked the relevant question. If his colleagues persist in undercutting the sales tax, are they ''ready to replace it with some form of federal revenue sharing for states and communities?'' No is the answer. No should be the answer to this demagogic bill as well.

Mr. Chairman, I also include the following letters for the RECORD:

April 12, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.
Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate, The Capitol, Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, The Capitol, Washington, DC.
Hon. RICHARD A. GEPHARDT,
Minority Leader, House of Representatives, The Capitol, Washington, DC.

DEAR SENATOR LOTT, SENATOR DASCHLE, SPEAKER HASTERT, AND REPRESENTATIVE GEPHARDT: We are writing to urge support for a fair and equitable system to ensure that all Main Street retail stores and Internet commerce can compete on a level playing field and to ensure that all Americans can join us in supporting the Internet as part of our new economy. Unfortunately, the Advisory Commission on Electronic Commerce (ACEC) proposal that was included in the Internet Tax-Freedom Act (ITFA) commission report, but failed to attain the two-thirds majority required by the Act, does the opposite. Instead of addressing the requirements laid out in the law to recommend a new state and local sales tax system to provide for fairness and balance, the proposal chose to use this opportunity to seek a host of new and expensive special tax breaks. We urge you to reject the report.

As stated in the duties section of the legislation the commission was to ''conduct a thorough study of federal, state, local, and international taxation and tariff treatment of transactions using the Internet and Internet access and other comparable intrastate, interstate, or international sales activities.'' The commission proposal did not focus on Internet transactions, but instead made a recommendation that would reduce other existing state and local tax revenues by over $25 billion per year.

Not only would the proposal eliminate existing sales tax on such items as books, movies, music, and magazines that are sold in local ''bricks and mortar stores'' but also would substantially reduce existing state corporate income and property taxes. The proposal, with a revenue loss of that magnitude, would disrupt the financing of state and local services and likely devastate education funding, which represents over 35 percent of the average state budget. Furthermore, instead of creating a level playing field for all sellers, it would put the federal government in the position of both picking winners and losers and also making the current digital divide more severe.

The most important reason for us to oppose this proposal is that it would substantially interfere with state sovereignty. The U.S. Constitution was very clear in both ensuring state sovereignty and creating a critical balance between federal and state authority. For well over 200 years the federal government has respected state sovereignty and has been extremely careful not to interfere with the states' ability to independently raise revenues. This proposal would dramatically undercut this precedent.

It is hard to think of any more fundamental responsibility of governments and elected officials in our nation than that of determining which taxes and fees are utilized to pay for the services that our citizens want and need. State and local governments rely on sales, property, and income taxes—no two the same, reflecting the enormous diversity of our nation. This proposal would intrude very deeply into the rights and responsibilities of state and local governments.

Sincerely,

Michael O. Leavitt, Chairman, Utah; Parris N. Glendening, Vice Chairman, Maryland; Thomas R. Carper, Delaware; Christine Todd Whitman, New Jersey, Paul E. Patton, Kentucky; James B. Hunt, Jr., North Carolina; Jim Geringer, Wyoming; Bill Graves, Kansas; Don Sundquist, Tennessee; Jane Dee Hull, Arizona; Mike Huckabee, Arkansas; John Engler, Michigan; Tommy G. Thompson, Wisconsin; Frank O'Bannon, Indiana; Kenny Guinn, Nevada; Dirk Kempthorne, Idaho; John A. Kitzhaber, M.D., Oregon; Carl T.C. Gutierrez, Guam; Cecil H. Underwood, West Virginia; Mike Foster, Louisiana; Benjamin J. Cayetano, Hawaii; Jesse Ventura, Minnesota; George H. Ryan, Illinois; William J. Janklow, South Dakota; Tom Vilsack, Iowa; Angus S. King, Jr., Maine; Pedro Rossello, Puerto Rico; Gary Locke, Washington; Lincoln Almond, Rhode Island; Bob Taft, Ohio; Ronnie Musgrove, Mississippi; Mike Johanns, Nebraska; Marc Racicot, Montana; Howard Dean, M.D., Vermont; Tom Ridge, Pennsylvania; Tony Knowles, Alaska.

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, PA, April 12, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR SENATOR LOTT AND SPEAKER HASTERT: I understand that Congress may soon consider proposals addressing the Internet Tax Moratorium set to expire next year. Technology has been a central focus of my administration since I took office 5 years ago. From education to public safety, our commitment to information technology is helping Pennsylvania to remain competitive in the global economy and preserve the high quality of life in the Commonwealth. Internet based commerce is changing the face of how we do business in Pennsylvania and providing rapid access to a whole new world of information.

To foster the electronic boom I support an extension of the current Moratorium on access, multiple, or discriminatory taxes. The Internet has been growing at a record pace and I believe the moratorium has facilitated that process by assuring that commerce over the Internet is not singled out and taxed in new and creative ways. That is why I proposed and the Legislature approved a repeal of Pennsylvania sales taxes on computer services as well as a tax prohibition on Internet access charges. More recently, in my 2001 budget, I have proposed a Sales Tax Holiday for Commonwealth residents who buy personal computers.

Pennsylvania is rather unique because we continue to manufacture goods. Thus, technological advances are often applied to many of those goods produced in Pennsylvania. Decisions on the taxation on Internet commerce therefore, are very complex and must balance the needs of both Internet and Main Street based businesses.

The report submitted by the ACEC Business Caucus to the Advisory Commission on Electronic Commerce acknowledged that ''In addressing whether and how the Internet should be subject to taxation, a major priority should be reducing or removing access barriers to perhaps the most advanced and useful medium of communication and commerce yet devised''. I concur.

I also agree with the Caucus position that the system taxation of remote sales should be simplicity, efficiency and fairness—and that ''(o)ur system of federalism mandates that the burden to produce such a system falls on the states''.

My concerns with the report include their preemption of the state role, albeit for allegedly a period of five years, during which time the Caucus recommends that Congress pass laws preempting state sovereignty. We, state and local elected officials, are best suited to reach a consensus on what changes need to be made to our sales and property taxes without creating a competitive disadvantage for *any* of our businesses. The magnitude of the undertaking is only equaled by its importance. States must work with local governments and its stakeholders—consumers, telecommunication and other remote businesses as well as our Main Street business to address these challenges.

As Congress considers legislation on Internet taxation, I hope that a guiding principle will be fair competition between Main Street businesses and Internet businesses. An extension of the Moratorium will provide us more time to assess the situation and ensure that we do no harm to either side. I strongly urge that when considering the impact of electronic commerce on our economy, any changes to the state tax structure should be done gradually and with consultation of all stakeholders.

Sincerely,

TOM RIDGE,
Governor.

STATE OF NORTH DAKOTA,
OFFICE OF THE GOVERNOR,
Bismarck, ND, April 7, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House, Rayburn House Office Building, Washington, DC.

DEAR SPEAKER HASTERT: I am concerned about the current dialogue on taxation of e-

commerce and the recent report of the Advisory Commission on Electronic Commerce.

I do not know of a single Republican governor who wants to raise taxes. At the same time, I agree with Governor Leavitt and others who oppose any of the commission's findings that would allow Congress to infringe on a state's sovereignty or mandate tax exemptions for certain goods.

Yet, I am equally concerned about the need for a simplified and equitable tax structure. It is complex, I know: We should avoid doing anything to stifle the growth of the Internet and the new economy, and yet I refuse to put my Main Street businesses at a competitive disadvantage.

States and Congress will doubtlessly need to work together to address these issues, which is why the Commission was established. It is clear to me that these issues have not been resolved, and Congress should not consider a piecemeal approach at the expense of states' autonomy.

I look forward to working with you as we make our way through this complicated and important issue.

Sincerely,

EDWARD T. SCHAFER,
Governor.

OFFICE OF THE GOVERNOR,
Santa Fe, NM, April 12, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.
Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate, The Capitol, Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, The Capitol, Washington, DC.
Hon. RICHARD A. GEPHARDT,
Minority Leader, House of Representatives, The Capitol, Washington, DC.

DEAR SENATOR LOTT, SENATOR DASCHLE, SPEAKER HASTERT AND REPRESENTATIVE GEPHARDT: I are writing to urge support for a fair and equitable system to ensure that all Main Street retail stores and Internet commerce can compete on a level playing field and to ensure that all Americans can join us in supporting the Internet as part of our new economy, and to urge you to reject the Advisory Commission on Electronic Commerce (ACEC) report. Instead of proposing a means addressing the requirements laid out in the law to recommend a new state and local sales tax system to ensure a level playing field and to protect the sovereignty of states, the report proposes unprecedented interference into the rights and responsibilities of the citizens of New Mexico and their ability to determine how they want to finance vital public services and infrastructure.

The new economy offers incredible opportunities. It imposes a great responsibility on all of us to enhance electronic commerce, but not at the expense of our small, Main Street businesses. In a world like this, if remote sales over the Internet are taxed differently than intra state sales, we will have a system based upon a tangle of legal maneuvering that will create separations between local merchant and their Internet counterparts, and a playing field that will be viewed as inherently unfair. Such unfairness, if left to fester, will bring contempt and non-compliance. It is hard to argue with the need for an enormous simplification of state and local sales taxes that can pave the way toward a level playing field that does not discriminate between methods of access. Congress needs to ensure we in New Mexico can move toward a level playing field. It needs to make sure the federal government does not act in a way that permanently discriminates against our small businesses and retailers.

The most important reason I oppose this proposal is that it would substantially interfere with state sovereignty. The U.S. Constitution was very clear in both ensuring state sovereignty and creating a critical balance between federal and state authority. For well over 200 years the federal government has respected state sovereignty and has been extremely careful not to interfere with the states' ability to independently raise revenues. This proposal would dramatically undercut this precedent.

It is hard to think of any more fundamental responsibility of governments and elected officials in our nation than that of determining which taxes and fees are utilized to pay for the services that our citizens want and need. It is my responsibility, working with our state legislature, to determine what taxes to cut in New Mexico—not anyone else's. Our state relies primarily on sales, property, and income taxes—all areas proposed for mandated federal cuts by the report. Such a proposal would intrude very deeply into the rights and responsibilities of our state and local governments.

Sincerely,

GARY E. JOHNSON,
Governor.

STATE OF ALABAMA,
OFFICE OF THE GOVERNMENT,
Montgomery, AL, April 11, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR SENATOR LOTT AND SPEAKER HASTERT, I am writing to express my grave concerns regarding the Advisory Commission on Electronic Commerce (ACEC) proposal that was included in the Internet Tax Freedom Act (ITFA). I believe the proposal represents an attempt by the federal government to take control of fiscal policy away from the states, and I strongly urge you to reject the report.

As Governor, I have pursued responsible, conservative fiscal policies. In some instances, targeted tax cuts are an important part of this State's over financial plan. However, these are decisions that must rest with the State, and not with Congress. As you may know, any such measure would potentially infringe on this State's ability to support public schools. Therefore, I am unequivocally opposed to any attempt by the Federal government to interfere with the states' rights to collect sales taxes.

In addition, while I appreciate the policy challenges posed by the new global economy, I have concerns with Congress establishing a series of tax breaks for a few special interests. This is particularly true when doing so would undermine a more-than 200-year tradition old of respecting states' sovereignty. Again, I ask you not to advance any effort to take control from the states and send it to Washington.

Sincerely,

DON SIEGELMAN,
Governor.

STATE CAPITOL BUILDING,
Oklahoma City, OK, April 10, 2000.

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT: As you prepare to consider legislation concerning taxation of sales made on the Internet, I ask that you consider these important factors:

First, I believe it is important to extend the existing moratorium on taxation of Internet transactions to allow more debate and discussion of this vital issue. We are dealing with new technologies and new forms of commerce which are still being developed and refined. The taxation moratorium has helped stimulate that early growth, and premature action by the federal government could represent a stifling influence.

Second, Congress should not pre-empt the states on this issue. Each state has its own unique tax structure. It would be a mistake to impose a ''one size fits all'' standard on 50 separate states and the District of Columbia. We currently do not have a national sales tax; sales taxes have traditionally been the province of state and local governments, and each has chosen its own path in this regard. To suddenly impose a new national standard would contradict our party's traditional adherence to the principle of federalism.

Third, no matter what form legislation ultimately takes, it must have as a central goal the creation and preservation of a level playing field. It would simply be unfair to establish a system where one state or one region or one industry has a special advantage.

Fourth, as you will recall from our visits during my chairmanship of the Republican Governors' Association last year, GOP governors (and some Democrats) have been most active in reducing state tax burdens and in reforming and restructuring state tax systems. In Oklahoma, for example, we have won the first reduction in personal income tax rates in 50 years and capped property taxes. State-level tax reform is a work in progress; we are planning further income tax reductions and cuts in the cost of vehicle license tags, and I know other governors are doing the same. In many cases, state and local sales taxes remain a central component of the respective budgets of those jurisdictions. It is essential that the states retain the freedom to set tax rates and policies concerning those revenue sources that fund state and local government.

I appreciate the leadership you have shown on this issue and ask that your future actions and deliberations be fully informed by the needs of the states and the requirement of fairness to all.

Sincerely,

FRANK KEATING,
Governor.

Mr. Chairman, we have here a very important consideration: Are we doing too little too soon? And I think the answer is that we are.

It is important to focus, as we have not done in the Committee on the Judiciary, on how this bill affects the States that have Internet access taxes, such as Texas.

I find it interesting in Texas that, under Governor George W. Bush, there exists the largest Internet access tax in the country, estimated to raise $200 million per year. This tax is supported by Governor Bush, who has not raised a finger yet to repeal it. And yet, today the majority would substitute their judgment in place of their own nominee by repealing the Texas tax on the Internet access.

So I am very deeply concerned that we have brought a bill to the floor that violates the unfunded mandate rule that was put in place by the very majority that brings this bill to the floor.

We do not know what the cost is going to be. We have a pledge that we will hold hearings to find out the answer to this very perplexing question sometime in the future. But today we have a bill before us that is premature, a bill that does not consider fully the questions that it needs to consider, and

a bill that is, therefore, ahead of its time.

Now, if we extend this moratorium through the year 2000, there is a risk that we may never get to the more important issues of State tax simplification. This undermines the principal purpose of the 1998 Internet tax legislation, which gave an advisory commission on electronic commerce the ability to consider how best to develop a more simple and rational system than exists at the present.

□ 1215

The commission threw up its hands, unable to reach consensus on this or any other related important issue. Although we do not support multiple discriminatory State taxes on the Internet, we are concerned that extending the present moratorium for 6, and if you count it completely, 7 years, would only serve to indefinitely delay the work on the real problem, an overly complex system of more than 6,500 local and State tax jurisdictions, and the potential of current law under the Quill decision to subject similarly-situated sellers to different tax collection regimes.

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

Mr. GEKAS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GEKAS) not just for yielding me this time, but also for the splendid work that he has done in bringing the legislation in timely fashion to the floor. As the author with Senator WYDEN of the original Internet Tax Freedom Act and also of this Internet Nondiscrimination Act, I am very pleased at the bipartisanship in this effort.

Senator WYDEN of course, our former colleague here in the House of Representatives, is a Democrat from Oregon. I am a Republican from California. President Clinton signed this legislation. We have been, Republicans and Democrats, working on this for a very long time with very good results. What we now find, having enacted a moratorium a few years ago, a timeout, as it were, on new taxes on the Internet, discriminatory taxes on the Internet or multiple taxation on Internet commerce, that we have nothing to fear from good policy.

Originally when Senator WYDEN and I introduced our bill, it was a permanent ban on taxes that would discriminate against the Internet, treat the Internet less favorably than Main Street, treat the Internet less favorably than brick-and-mortar enterprises. But in order to make sure that we were not short-changing State and local governments, we worked with them and fashioned a moratorium for a short while so that we could see with empirical, real-world results whether this good policy, what we knew in the abstract was good policy, worked in the real world. Now the results are in.

In my home State of California, for the most recent month, sales taxes are up some 20 percent. As a matter of fact, brick-and-mortar sales at the shopping malls of America were up 8 percent. That is a much bigger base, by the way. There is a lot more retail through brick and mortar than there is over the Internet. In fact, there is a lot more catalog sales over the telephone than there are Internet sales these days.

But brick-and-mortar sales are way up in this new economy. Sales taxes are up in this new economy at all levels of government, not just in California, but across the Nation. The Federal Government, which does not impose any sales taxes on these transactions, is benefitting hugely from the growth in this new economy through an increase in income taxes and other kinds of revenue flows that are the natural result. When more people are working, people are more productive. That is what is going on in America right now.

So by adopting a policy of not killing the goose that is laying the golden eggs, adopting a policy of moderation in taxation, we have had some great successes. Remember why we did this in the first place. Not because we wanted in any way to crimp the ability of a State or a local government or even the Federal Government to collect taxes, but rather because there was a risk that the number of taxing jurisdictions in America, the sheer number of them, some 30,000, could, if they all laid claim to their modest piece of the Internet, drown the whole thing in a sea of red tape, paper compliance and, not least of all, revenue exactions.

And so we said no, this is not something that we want to see fall victim to the tyranny of the parochial. The new economy is something that we cherish, something that gives America a competitive advantage in the world, that is creating jobs as we have never seen them created before. So let us ensure that from a policy standpoint, we look at the Internet as what it is, not just State commerce, not just local commerce, but interstate commerce subject to the jurisdiction of the Congress under Article I, section 8 of our Constitution and, indeed, global commerce.

What we are doing now today is falling short of perfection, which would be to make permanent the ban on multiple taxes on the Internet or make permanent the ban on discriminatory taxes on the Internet, but we are doing the next best thing. Because this is a legislature and we have to compromise, we are extending this moratorium for 5 years. That is at least a minimum amount of time to give people some certainty of how to plan. People can wake up tomorrow morning and know that there is not a government effort to shake down the Net.

It is important, I think, for us to recognize specifically how brick-and-mortar people are benefiting from this new Internet economy. First of all, many of them are starting out with their own e-commerce windows on the world, so a little company locked away in some rural area that could only serve a tiny community in a tiny market of customers a few years back now through the Internet has the world's cheapest ever means of reaching customers throughout their State, throughout the country and around the world, and we are seeing a great deal of that. As a result, as I said, taxes collected by government which depends on growth of this economy are up.

Mr. Chairman, I want to emphasize for my colleagues what has been pointed out in this debate before. The sales tax debate is a very important one, but it is not this bill. This bill keeps discriminatory and multiple taxes off the Internet. There is no justification for doing otherwise. Please vote yes on the legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, let me be very clear. I, too, support the moratorium. In fact, I was one of the early cosponsors of the Cox-Wyden legislation, because it seemed to me essential that Congress provide sufficient breathing room to develop a more uniform, fair, efficient neutral system of taxation of transactions, whether it be on the Internet or whether it be out of a brick-and-mortar enterprise. And over the past 2 years, the States have made considerable headway in this effort. I see no reason why it should take them 5 more years to complete it. In fact, a 5-year extension will eliminate a major incentive for them to get the job done.

That is why the 5-year extension is opposed by the National Governors Association, the National Conference of State Legislatures, the Council on State Governments, the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the E-fairness Coalition, and scores of other business organizations.

The gentleman from California referred to the bipartisan nature of the original moratorium bill. What I would suggest, too, is that there is a bipartisan concern about what we are about to do here today with a 5-year extension. It is clear that a 5-year extension is opposed by 36 governors, Republicans and Democrats alike, including Governor Leavitt of Utah, Governor Sundquist of Tennessee, Governor Thompson of Wisconsin, Governor Ryan of Illinois, Governor Engler of Michigan, Governor Ridge of Pennsylvania and Governor Taft of Ohio, all staunch Republicans, not a tax-and-spend liberal among them.

But they are opposed to the underlying bill, because they realize that a 5-year extension will accelerate the erosion of the sales tax and diminish the ability of the States to fund vital services, States that depend on the sales tax for as much of a third of their total

revenue. They also understand that small businesses will suffer the longer the underlying issues are not addressed.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. GARY MILLER).

(Mr. GARY MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Chairman, I rise in support of H.R. 3709, which will extend the moratorium on taxing the Internet. However, I must point out the irony of passing this measure while continuing the Federal excise tax on telephone service.

H.R. 3709 tells the States that they cannot tax access to the Internet, a measure which I thoroughly support. But in order to access the Internet, one must have a phone line. For the past 101 years since the Spanish American War, the Federal Government has levied an excise tax on this item. As we debate limiting States' ability to tax the Internet, we should also limit the Federal Government's ability. I feel that this Congress must take responsibility for the tax it has imposed on the phone services which impact the Internet. My colleague just talked about the problem called the digital divide, the disparity between those who can afford high technology innovation such as home Internet service and those who cannot.

By eliminating this unjust Federal excise tax on the telephone, Congress takes a step forward in decreasing this gap. Mr. Chairman, the Spanish American War is truly over. Should we not repeal the tax instituted to pay for it and make Internet access cheaper for everyone? I urge my colleagues to support the Internet Nondiscrimination Act and to take the next step by repealing the phone tax.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to thank the gentleman from Pennsylvania for yielding me this time.

Mr. Chairman, I rise in support of H.R. 3709. Mr. Chairman, this is an age of unparalleled discovery, an age in which the boundaries of human knowledge are expanding at breakneck speed. Mr. Chairman, the high tech revolution that both propels and dominates this global economy is advancing so quickly that no one, no one, really knows where this wave of innovation is taking us. No one really knows how tomorrow's technology will improve our quality of life.

Mr. Chairman, no one imposed a ship tax on Ferdinand Magellan when he left Spain to sail around the world. No one put a mule tax on Lewis and Clark when they left St. Louis to explore the American west. Why on earth would we want to impose a tax on an evolving communications medium that is reshaping our world and transforming our daily lives? Why would we want to impose a tax burden that might stifle the next wave of high tech innovation? Why would we want to inhibit the very revolution that has allowed students to learn from professors half a world away? Why would we want to smother a technology that has enabled doctors to save countless lives by engaging in consultations in other continents?

Mr. Chairman, we do not know what life-enhancing fruits this high tech revolution will reap for humanity. We do not know where the high-tech roller coaster will be taking us next. All we can do is hang on and enjoy this fabulous ride. All we can do is to not place unnecessary obstacles in its path. Mr. Chairman, no taxation without knowing the destination. Let us not smother the World Wide Web. Let us extend the moratorium on Internet taxation.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

I want to capsulize some of the arguments that have been made to the effect that this piece of legislation does not affect the rights of the States to impose or to deal with sales taxes. That is a truth that must be said, stated over and over again, or else we will be led astray in the points that are going to be made during the amendment process and in the final vote on this legislation. This creates a 5-year moratorium as recommended by the very commission which our first act in the last Congress promoted, and which was the core of that piece of legislation.

So, no adverse impact on sales taxes, and the 5 years are what has been carved out by the people who delved into it through the work of the commission. These truths are self-evident, and I hope will constitute the basis for a final vote in favor of this legislation.

Mr. BACA. Mr. Chairman, I regret that a White House meeting on providing a prescription drug benefit for America's seniors prevented me from voting on the point of order to H.R. 3709, the Internet Nondiscrimination Act (rollcall number 154).

If I had not been meeting with the President, I would have voted against the point of order.

While I share the concern of the gentleman from Michigan about the impact of mandates on state and local governments, this is too important a bill to cut off debate.

The American people have demanded that we roll up our shirt sleeves and solve this issue. I have heard from hundreds of my constituents, who are concerned about the possibility that we will tax this new technology to the point where it is no longer viable.

I see science and the Internet as the key to the future of America and the Inland Empire. We must allow Internet companies to flourish. In fact, I invite Internet-based industries to come to the Inland Empire, where we will create 15,000 new jobs through the LAMBRA enterprise zone legislation I authored. We have entered a new era of prosperity and unlimited possibilities for our children. We have a great future if we encourage Internet-based companies through bills such as H.R. 3709.

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 3709, the Internet Nondiscrimination Act, which would impose a new five year moratorium on the ability of our state and local governments to collect sales taxes on commercial Internet transactions. Instead, I will be supporting the Istook amendment, which will limit this new moratorium to two years.

The growth of e-commerce has presented policy makers with a host of complex new issues over the last few years. One of the largest challenges, however, is not a new issue, but an age-old problem—taxation.

Some argue that online retail transactions should remain exempt from tax collections due to problems with defining points-of-sale in the cyber marketplace. Additionally, opponents of taxing Internet sales argue that requiring taxation will stifle growth, creativity, and innovation in this new industry. On the other hand, state and local officials view the Internet as a tide that will erode local and regional tax bases with devastating consequences to traditional brick-and-mortar retailers as well as critical state and local government functions.

To come to grips with this problem and these competing points-of-view, in 1998, Congress passed the Internet Tax Freedom Act that prohibited any new state, local, or federal taxes on electronic commerce until October 2001. In addition, it created a 19-member Advisory Commission on Electronic Commerce to study the Internet taxation issue and report its recommendations to Congress.

The Advisory Commission issued no recommendations, because of a lack of consensus on this issue. But, despite this fact, Congress is set today to vote on a bill that would extend the current moratorium for an additional five years, even though the current moratorium does not expire until October 1, 2001—a full 17 months from now. Congress should take this 17 month opportunity to hold public hearings on this issue, rather than rushing to the floor a contentious and politically motivated bill that pits traditional business against e-business.

While almost everyone agrees that there should be no new taxes or fees on Internet services or access, there is little consensus on allowing state and local governments to collect sales taxes on remote electronic commerce transactions.

The distinction between these two forms of taxation is subtle, but critical. Taxing Internet services and access would surely stifle the growth and innovation of this emerging industry. Taxing remote sales transactions, however, will not restrict this growth; rather it will ensure that all business entities—whether located on Main Street or Cyber Street—will be able to equitably and fairly compete.

Moreover, allowing state and local governments to collect sales taxes on remote transactions will ensure that critical state and local services such as education and public safety will continue to be adequately funded and controlled at the state and local level where they belong.

Mr. Chairman, this is why 34 of our nation's governors, Republican and Democrat, including Governor Bill Graves of Kansas, oppose extending this moratorium. As well, almost every municipal and county government in my district has passed resolutions opposing legislation like H.R. 3709 that erode their taxing authority. I have included one such resolution for the RECORD.

I am supporting the Istook amendment that provides a two year extension of the moratorium because I believe that Congress, our

states and our municipalities need time to develop a fair, simple and equitable system that is guided by the following principles:

Fairness: Any solution should apply not only to Internet transactions, but to all remote transactions so as not to unfairly discriminate against e-commerce transactions. But we must also recognize that not taxing remote transactions, including e-commerce, unfairly discriminates against traditional face-to-face transactions.

Simplicity: The solution should not be difficult for the digital economy to apply or for local and state governments to administer.

Limited Scope: Sales should be taxed in order to provide a level of fairness to traditional brick-and-mortar businesses, but the use of the Internet itself should not. In other words, Congress should not tax data transmission, network services, or anything else that would amount to a tax on the medium itself.

Mr. Chairman, the advent of e-commerce should not be viewed as either a threat or potential windfall for state and local governments. Assessing taxes on Internet sales should, all else being equal, have no effect on state and local tax revenue. What is lost as a result of decreasing face-to-face sales should be offset by gains from increasing online sales.

Indeed, as a matter of fairness and fiscal responsibility, remote sales should not be beyond the scope of state and local tax jurisdictions. Further, those state and local jurisdictions should not have to cede their independent authority to a federally mandated flat sales tax system. The ultimate solution should use the same tools that enable e-commerce to construct an easy-to-use mechanism for businesses, consumers, and governments alike to operate in the digital economy—a software based solution that is able to identify and levy the appropriate level of sales tax based on the location of the buyer. This is a solution that is fair, simple, and limited in scope.

February 28, 2000.

Hon. DENNIS MOORE,
U.S. Representative, 3rd Congressional District, Washington, DC.

Re: Issue of Sales Tax on Internet Commerce: ''Making Commerce Fair,'' Resolution No. 2000–17.

DEAR CONGRESSMAN MOORE: We are writing to voice our concern about the issue of sales tax on Internet commerce. Please find enclosed the City of Lenexa's Resolution regarding this issue. This matter is of vital concern to Kansas cities. The existing moratorium greatly impacts the State of Kansas, our cities, and our counties, causing a loss in sales tax revenues.

The inequity in price experienced by our Lenexa brick and mortar established merchants caused by requiring them to collect taxes on the sales of goods while not requiring the collection of taxes on the sale of goods sold via internet, mail order or phone is of grave concern to our city. This practice creates a competitive disadvantage and unequal treatment between our local merchants and those who sell from electronic stores. We must protect our merchants from this unfair and unacceptable practice.

We must preserve the right of state and local governments to establish and collect legally due sales and use taxes on goods and services sold, and act to protect state and local taxing authority over all remote sales. We encourage your understanding of the importance of this issue to the City of Lenexa, Johnson County, and the State of Kansas.

Sincerely,

JOAN BOWMAN,
Mayor, City of Lenexa.

RESOLUTION NO. 2000–17

MAKING COMMERCE FAIR

Whereas, the use of new electronic technologies, including the Internet, as a way to conduct sales of goods and services is accelerating; and

Whereas, out-of-state sales of goods conducted via the Internet, mail order and phone, under many circumstances, are not subject to existing sales and use taxes imposed by the states and local governments in which the purchaser of such goods resides; and

Whereas, the inequity in price experienced by not requiring the collection of taxes on the sale of such goods, creates a competitive disadvantage and unequal treatment between merchants who sell from brick and mortar establishments and those who sell from electronic stores; and

Whereas, this migration of sales and the resulting erosion of tax revenues will restrict the ability of local governments, schools, and states to collect taxes which finance essential public services including but not limited to police, fire, emergency medical service, and education; and

Whereas, out-of-state sales have an adverse impact on local infrastructure and on the continued survival of retail businesses in our cities; and

Whereas, municipal governments have long expressed concern about the loss of municipal revenue due to out-of-state sales (originally via mail order); and

Whereas, these out-of-state sales are freely made as a voluntary business decision to expand or establish business electronically or from remote locations; and

Whereas, 99% of the goods and services purchased over the Internet are bought using electronic money transfers, as exemplified by the use of credit cards, which pre-establishes the ability to identify and collect taxes in non-discriminatory and efficient ways; and

Whereas, the primary barrier to creating a non-discriminatory collection requirement is the Supreme Court's judgment that only Congress should determine a collection requirement that would not unduly burden interstate commerce; and

Whereas, the National League of Cities, in partnership with the six national organizations representing state and local governments, has adopted a joint statement of principles for making electronic commerce fair which calls for:

1. Equal treatment of all sales transactions whether that transaction is done in person, on the telephone, by mail, or on the Internet;

2. A federal law authorizing state and local governments to require out-of-state sales to be subject to the collection and remittance of sales and use taxes;

3. Protection from federal preemption of state and local authority to determine their own tax policies;

4. Cooperative efforts to simplify state and local sales and use tax systems and the compliance burdens those systems place on out-of-state sales; and

Whereas, the federal government has created the Advisory Commission on Electronic Commerce to examine these issues; Now therefore be it

Resolved by the governing body of the city of Lenexa, Kansas:

Section One: The City of Lenexa, Kansas, a municipal corporation, does hereby urge the Advisory Commission on Electronic Commerce to recommend that Congress enact and the President sign legislation authorizing state and local governments to establish and collect legally due sales and use taxes on goods and services sold, through any transaction medium, regardless of the actual purchaser's state, and requires states to distribute tax revenues to cities or other units of local government pursuant to precedent and applicable state law.

Section Two: The City of Lenexa, Kansas encourages the Kansas Congressional Delegation to act to protect state and local taxing authority over all remote sales including goods sold via the Internet, mail order, and phone.

Section Three: This resolution shall become effective upon passage by the Governing Body.

Passed by the Governing Body this fifteenth day of February, 2000.

Mr. POMEROY. Mr. Chairman, I am voting for this bill because I believe the American public deserves unfettered and untaxed access to the Internet—perhaps the most significant technological innovation impacting our way of life in decades. I firmly believe that Internet access must remain open to everyone. We cannot place roadblocks in the path of those eager to join this new and exciting world.

The Internet is not simply a source of entertainment or a virtual shopping mall. Today, people use this valuable tool to access a variety of information, ranging from which car to buy to reading weather and news reports to researching job opportunities or accessing college applications. The possibilities are limitless. The Internet has provided states such as North Dakota an unprecedented opportunity to overcome the traditional geographic disadvantages. We cannot stifle the growth of this fast moving virtual world.

Unfortunately, the Commission formed to address the important issue of Internet taxation failed to develop a comprehensive plan to address this matter. The bill before us does not interfere with the ability of states to collect taxes on purchases made over the Internet. Instead it is aimed at ensuring that Internet Service providers, such as AOL, do not pass additional tax burdens onto Internet users. However, we must address the taxation of items purchased on the Internet. We cannot allow our main street shops to operate at a competitive disadvantage to Internet sales. As the Internet continues to flourish, Congress must look at these issues and take careful, appropriate action to level the playing field.

Again Mr. Chairman, I believe that all Americans should have open access to the Internet, and for that reason, I rise in support of this legislation.

Ms. DEGETTE. Mr. Chairman, today I voted for H.R. 3709, the Internet Nondiscrimination Act because I believe that it is important to move this legislation forward so that Congress stays focused on the vital issue of taxation of the Internet. I supported an amendment that would have extended the moratorium for an additional two years. I believe this would have provided the needed amount of time for use to find a balance between protecting the Internet from any new discriminatory taxes and preserving the ability of states and localities to collect sales and use taxes.

Unfortunately, the two-year extension amendment failed and I therefore voted for final passage as a means of moving this legislation forward with the expectation that a compromise will be worked out between the

House and the Senate to adequately address this issue.

It is important to protect the integrity of the Internet from multiple and potential discriminatory taxes. It is equally important that this be done without inhibiting the ability of states to collect the taxes they have always collected. The Internet Nondiscrimination Act does nothing to inhibit the collection of these taxes, but it also does nothing to resolve the issue of how states can continue to collect state use and use taxes as more and more people shop via the Internet.

I believe we can foster the booming technology and telecommunications industries across the country without harming our states. Congress needs to work closely with state government and the technology industry to develop a good policy that promotes growth in the technology industry without hurting local businesses across this country. We need to pursue a policy that creates a level playing field and ensures fair taxation across the board. I believe this can be done and I will work towards this end until we can come to a satisfactory resolution of this issue.

I believe the passage of this legislation is an important step in an ongoing process that will eventually produce a bill that reflects the concerns of all interested parties.

Mr. LIPINSKI. Mr. Chairman, I rise today to express my dismay that H.R. 3709 has been brought to the floor without ample time to discuss the important issue of the Internet taxation moratorium and its effects. There were no hearings held, nor time allotted for retailers, states, cities and counties to speak out on the issue. Clearly, we could have utilized the eighteen months before the October 21st, 2001 moratorium expiration for meaningful discussions on the issue.

The spirit behind the Internet Tax Freedom Act was to allow the Internet to flourish, while examining an approach to Internet sales. Adding five years to the current moratorium is not a step towards finding a permanent solution. We must work towards a solution that everyone can work with now, not three years from now, nor five years from now. If we wait, many of our country's ''brick and mortar'' businesses may likely be wiped out by the E-commerce that can sell for less and avoid collecting taxes. This is not fair competition.

We cannot ignore the effects that H.R. 3709 would have on our states' and localities' tax base. According to a University of Tennessee study, the revenue lost by 2003 is projected to be $20 billion per year. This is the revenue that we rely on for state and local services, as well as for education. How can the Internet and high-tech industry continue to flourish without educating our children, the future of America?

We need to find a long-term resolution to this important issue, not avoid dealing with it for nearly six years. For this reason, I will be voting against H.R. 3709 and its amendments.

Mr. STARK. Mr. Chairman, today we have before us a bill that extends the current ''Internet Tax Freedom Act'' moratorium on certain Internet-related state sales and use taxes. While I do respect the need to foster growth and innovation on the Internet and for technology in general, I do not believe that this bill does so in a responsible way.

The current moratorium expires in October 2001. This gives Congress over 17 months to come up with a plan to address Internet taxation. We do not need until 2006 to come up with a viable solution to Internet taxation. This gives Congress too much time to sit on its hands and place blame when a solution should be reached much sooner.

Currently, Internet merchants are not required to collect state sales and use taxes unless they have a presence in the state. This does not statutorily relieve the purchaser from remitting the state sales and use taxes due from Internet purchases. However, in reality this is not the case when there is no enforcement mechanism.

Clearly, Internet commerce has an advantage over traditional commerce if consumers are able to circumvent paying taxes on Internet purchases. Not only does this set up an unfair system for traditional commerce for having to collect the state and local taxes, thus ultimately costing the consumer more, but it also prevents state and local communities from capturing the taxes they would otherwise receive. Today's bill will hamper a state's ability to effectively tax Internet purchases, thus eroding a state's source of funding for education, health and other vital services.

Congress should not implement a tax advantage for one method of commerce over another for five years. Instead, we should figure out how to level the playing field while encouraging innovation today. For these reasons, I oppose H.R. 3709 and urge my colleagues to do the same.

Mr. BENTSEN. Mr. Chairman, I am in opposition to H.R. 3709, the ''Internet Nondiscrimination Act,'' which extends the existing moratorium on state and local taxation of Internet access and commerce by five years and repeals the grandfather clause for existing state laws related to Internet taxation. Let me be clear, I am not advocating federal taxation of the Internet. I support a reasonable extension of the moratorium. But, I also support upholding state's rights under the 10th Amendment and ensuring equity for businesses, small as well as large.

H.R. 3709 would establish a five-year moratorium on all state and local taxes on Internet access and commerce. While this bill assumes that states would still be free to tax transactions under the U.S. Supreme Court's 1992 decision in *Quill Corp.* v. *Heitkamp*, 504 U.S. 298 (1992), the *Quill* decision only provides for the collection of sales taxes by states when companies meet the ''nexus'' test for transactions within the geographic borders of the consumer's state. Though not explicitly acknowledged, proponents of H.R. 3709 appear to be seeking an eventual ban of Internet sales taxes. Now, of course, all of us would like to see less taxes, including with respect to Internet sales. At the same time, however, as internet sales rise as a share of the national economy, state and local governments will find their tax based substantially eroded and their ability to fund such essential functions as schools and public safety jeopardized. Furthermore, businesses which conduct sales from physical locations in a state or local jurisdiction will find themselves at a competitive disadvantage. That creates a commercial inequity, a really ignored by H.R. 3709.

This bill should not be construed as simply an extension of the initial year moratorium and the Advisory Commission on Electronic Commerce that was adopted in 1998 with my support. Rather, H.R. 3709, by extending the moratorium by five years with no resolution by the Commission, simply postpones confronting and resolving the issue at hard. How can Congress and state and local governments best address both commercial equity between Internet sellers and ''bricks and mortar'' retailers as well as state and local government financial structures. This bill is an abdication on the part of Congress at the expense of others. The better approach would be to adopt the amendment offered by Mr. DELAHUNT to extend the moratorium by only two years and proceeding toward resolution of the broad issues. I strongly support this approach and I cannot support H.R. 3709, a blanket five-year moratorium.

The fiscally prudent course would be to analyze the effect the moratorium has on states' ability to collect revenue and the degree to which traditional merchants are placed at a competitive disadvantage, as more commerce shifts to the Internet. H.R. 3709 does not address the complicated issues of how and when states might be able to collect sales taxes on Internet commerce. An outright ban on taxation of Internet sales could very well forces state such as taxes, which rely heavily on sales and property taxes, to impose a personal income tax in order to make up new shortfalls, as Internet sales increase. I oppose an income tax for Texas and I particularly oppose the Congress imposing such a tax on Texans, a foreseeable unintended consequence of this bill.

I am dismayed that my Republican colleagues have rushed H.R. 3709 through the legislative process without proper public hearings to determine the impact such legislation would have on ''brick and mortar'' retailers and the future revenues of state and local governments. With the current moratorium in effect until October 2001, the timing of this vote is suspect. Clearly this is a transparent attempt by Republicans to score political points with the high-tech industry at the expense of state and local governments, taxpayers, our public schools and small businesses on Main Street, America.

H.R. 3709 also impose financial restrictions on the State of Texas by eliminating the grandfather clause in the Internet Tax Freedom Act (ITFA) bestowed on those states which have already promulgated taxes on Internet access. Passage of H.R. 3709 would result in a shortfall to the State of Texas well in excess of $50 million. Here again, the Delahunt amendment is the better course of action in that it preserves the grandfather clause. Therefore, Mr. Chairman, without the Delahunt amendment, I must oppose H.R. 3709.

Mr. GOSS. Mr. Chairman, I strongly support this modified open rule, which will ensure Members an opportunity to openly and fairly debate H.R. 3907. This bill extends the current moratorium on Internet taxes for five years—as recommended by the Independent Advisory Commission on Electronic Commerce. The creation of the Internet has revolutionized communication around the globe and has had a tremendous impact on our daily lives. One of the reasons the Internet has flourished is that the majority in Congress has worked hard to restrain eager regulators, bureaucrats and tax collectors from unnecessary interference in the Internet. There are areas for appropriate government action—child pornography and the like—but, by and large, the appropriate course of action is to let the Internet continue to grow

without undue government regulation or intrusion.

I am pleased that this bill continues to strike a commonsense balance. Given the lack of consensus on how to deal with imposing sales taxes on commercial transactions over the Internet, H.R. 3709 wisely continues the moratorium on this activity. In addition, the bill continues and strengthens the prohibition on Internet access taxes. Opposition to Internet access charges has been one of the top issues in my mail bag for some time now. Congress must continue to stand firm on this issue, protecting consumers and ensuring the continued growth of the Internet. I want to extend my appreciation to the Judiciary Committee and the leadership for moving expeditiously on this bill. I encourage my colleagues to support both this fair and open rule and H.R. 3709.

Ms. DUNN. Mr. Chairman, the proliferation of the Internet has been the most liberating force in American life in recent history. It has spawned a whole new vocabulary, created a forum for social interaction and education, and brought unprecedented productivity to the workplace. Most importantly, it levels the American playing field. It makes it possible for the poor and underprivileged to gain access to educational materials once found only in the new schools of affluent suburbs. It also makes it possible for today's woman to make her mark in the business world while balancing the rigorous demands of work and family. The Internet is the essence of freedom and must maintain this feeling of uninhibited access.

With the development of such a powerful social and business tool, however, come many challenges and temptations. The most pressing challenge before us now is how to conform a decades-old tax system based on geographic boundaries to a new world for which there is an unlimited capacity for exploration. The biggest temptation will be to find a quick solution to the potential loss of local government revenue due to E-commerce. These are serious issues with which we must deal with great deliberation. We cannot afford either to create barriers to Internet access through new taxation or to pretend that the increasing rate of E-commerce will not negatively impact money to support local schools, police, and parks. For this reason, I supported the Internet Non-Discrimination Act to extend the current Internet tax moratorium for another five years, and I call on all parties to begin a vigorous debate that will bridge the divide between the need to keep the Internet free of new barriers and the legitimate concern of local governments that rely on sales for basic services.

This is a complex provision, and there has been some public misperception about the current moratorium and what an extension means. The moratorium has three main components: one that deals with Internet access and two that deal with E-commerce. First, it prohibits the implementation of a tax on Internet access. As I have previously stated, access to the Internet has revolutionized the lives of millions of Americans. We cannot allow barriers to be erected that will make it harder for families living on the edge of poverty to have access to this powerful tool. Second, it prohibits the collection of ''discriminatory'' taxes on the Internet. If there is a product that is sold at the corner grocery store without a sales tax, it should not be taxed if purchased over the Internet. Third, it prohibits ''multiple'' taxes. If an individual purchases a good from another state, that good should not be taxed by both states. All of these measures have allowed people to enjoy the unfettered freedom of the Internet while helping to create millions of new jobs.

It is equally important to understand what the moratorium does not do. Neither the original Internet moratorium nor the extension passed today in the House affects the ability of states to levy sales taxes on Internet purchases. As stated above, the moratorium bars only multiple and discriminatory taxes, and taxes on Internet access. The current rules governing the ability of states and local governments to collect sales tax or taxes on remote sales were set by the U.S. Supreme Court in 1992. The moratorium and its extension leaves these rules untouched. Nevertheless, the explosion of Internet traffic since this ruling has already made many of its guidelines problematic for state and local governments.

This new world without borders must be redefined in order to provide local governments the ability to protect funding for key government services. Local governments must also participate in a discussion about streamlining the tax systems in the over 6,000 different tax jurisdictions throughout the country. They cannot simply expect that companies—whereever they are or whatever their size—will dedicate the untold amount of resources necessary to duplicate all of these tax systems, figure out how much tax to charge a given item, and then remit that tax to the particular government. Through streamlining these tax systems and providing some degree of uniformity, companies will be much more willing to partner with state and local governments.

The Internet is changing the fundamental structure of our society and we are well served to change with it. Resisting its benefits or trying to mold it to reflect our byzantine government systems will only limit its full potential. As we work to ensure that the Internet will be unencumbered by new barriers, let us join together to create an environment in which E-commerce and local communities can flourish together.

Mr. UDALL of Colorado. Mr. Chairman, I am in support of H.R. 3709, the Internet Nondiscrimination Act.

The bill we're voting on today addresses two main questions. One has to do with taxing Internet services. A consensus seems to be forming—among a majority of the members of the Advisory Commission on Electronic Commerce and many others—that there should be no new tariffs or taxes on Internet services. I agree. H.R. 3709 would prohibit such taxes for 5 years, an important step to reduce the price of and thus eliminate barriers to Internet access.

The other question—whether or not State government should be allowed to collect sales taxes on e-commerce transactions made between residents and companies residing in other states—is more problematic.

We hear it argued both ways. Supporters of a permanent moratorium say, for instance, that the imposition of any new taxes would likely result in the lowering of tax revenues from other sources because of the deadening effect such taxes would have on overall economic growth. Opponents of an indefinite extension point out that the more we deprive states and localities of revenues from sales taxes—which are often the primary source of revenue to fund education—the more we risk neglecting the very students who we hope will fill jobs in the high-tech economy in the future.

I do share some of the concerns voiced by many Governors and State legislatures. I am concerned that an extended moratorium might indirectly weaken state and local funding that provides our communities with essential public services such as education, law enforcement and transportation. So I am concerned that an extension of 5 years may be too long because the definition of ''Internet access'' may change so much in the next half decades that the provisions in this bill may no longer fit an evolving economic context.

It is clear that traditional businesses are disadvantaged by sales over the Internet. But it is also clear that many young, small e-commerce businesses could suffer if they are forced to negotiate the maze of more than 7,000 State and local taxes.

An industry still in its infancy must be handled with care. But at some point, the gloves must come off. What we're doing today is deciding to put off this decision for another 5 years. I believe that we're not prepared to agree on how and when the gloves should come off, and that's why I support this bill, although I think it would be better if the extension were shorter. But I do believe we must use the years ahead productively to seek ways to streamline and simplify sales tax systems, a task that many states—including Colorado—are already undertaking.

Mr. Chairman, we are living in a new era. A unique constellation of circumstances—a burgeoning technology sector, low unemployment, and low interest rates—has given way to the longest peacetime period of economic expansion this country has ever known. We need to ensure that we don't do anything hastily that will derail this revolution. At the same time, we mustn't ignore the people and businesses that for years have sustained our communities.

Mr. COOK. Mr. Chairman, I am in support of H.R. 3709, the Internet Nondiscrimination Act. A few short years ago, no one other than academics had ever heard of the Internet. Today, it has become an integral part of everyday life. The information that is now available through the click of a mouse is mind-boggling. With this new information has come a new form of economic growth, e-commerce. You can buy almost anything on the Internet, from cars, to groceries, airline tickets to antiques. The explosion of new business starts, online banking, and e-trade has been fueling the economic prosperity we have been enjoying the last few years.

The Internet has removed barriers to entry for thousands of small businesses, particularly women and minorities. It has created millions of high paying e-jobs and has allowed consumers to find the highest quality product at the lowest cost. In 1999, the Internet was the second largest industry in the U.S., producing $507 billion in revenue and created 2.3 million new jobs. Imposing discriminatory taxes on the Internet, would stifle this industry and destroy the very engine that is driving our economy.

I understand the concerns of state and local governments. They are only looking at the money they are supposedly losing in revenue. But, they are not looking at the revenue they have gained through a strong economy. States are in their best financial position in decades because of the strong economy and

the decrease in demand for social services. In a time of record budget surpluses and strong economic growth, state governments do not need more power to tax online transactions and Internet access. Local governments do need funds to provide services like fire, police and ambulance coverage. But they need to be given a greater share of the state's sales tax revenues and not have to rely on new Internet taxation.

In a booming economy there is no reason to impose deterrents for new e-business that will ultimately hit consumers. There is no need to charge consumers for accessing the Internet. Today's bill would place a 5-year moratorium on taxing this new industry. I think the moratorium should be permanent. I urge my colleagues to support this legislation and keep the Internet free of discriminatory taxation.

Ms. BALDWIN. Mr. Chairman, I am in opposition to H.R. 3709, the Internet Non-discrimination Act. This legislation extends the moratorium on State and local internet access taxes as well as on so-called ''multiple and discriminatory taxes'' imposed on internet transactions, subject to a grandfather on taxes of this nature imposed prior to 1998.

I believe the current moratorium is good public policy. Internet commerce is an infant industry with huge potential growth and benefits. With numerous taxing jurisdictions, the practicalities of taxation of internet sales require extensive study and careful consideration. We need to ensure that internet commerce is not unduly burdened by the complexities of local taxing jurisdictions. Thus, the current moratorium, which does not expire until October 21, 2001, provides an appropriate period in which to examine this issue carefully.

I am concerned, however, about a 5-year extension of the moratorium until 2006. The current disparate tax treatment between traditional ''bricks and mortar'' retailers and remote sellers has the potential to significantly harm existing retailers. Internet business ultimately should be competing with traditional businesses on an equal footing. An extended moratorium provides an advantage to internet commerce by, in effect, exempting those companies from sales and other state and local taxes. This advantage should not continue indefinitely.

I am also concerned about the impact on state and local government revenues. Sales taxes are a significant source of revenue for many state and local governments. As internet sales expand at the expense of traditional retail sales, there could be significant revenue reductions to States. Congress should not simply create this problem for the States and then leave them to solve it. States collect more than 49 percent of their revenue from sales taxes, according to the Census Bureau. I fear this legislation could have a damaging impact on critical service such as police and safety, health, and education. Congress needs to work with the states to address this important issue.

Let me be clear. I do not support discriminatory taxes on internet access. E-commerce should be treated in the same manner as traditional sales and services.

Continuation of the internet tax moratorium beyond October 2001 is appropriate. I supported the Delahunt/Thune Amendment which would have extended the moratorium for an additional two years until October 2003. I believe that a two year extension is far wiser public policy than a five year extension or a permanent ban. I wish the House had seen fit to amend the bill with a two year limit. By 2003, the States could build on the very serious steps they have already taken to reform and simplify their tax laws. Congress could then consider whether we should approve any interstate compact that addresses the simplification issue. If the States were not making any progress by 2003, it would be a simple matter to extend the moratorium for an additional period of time.

Mr. Chairman, I do not believe a five year moratorium is sound public policy. I urge my colleagues to defeat this legislation. The next Congress will have ample time to extend the current moratorium for 2 additional years.

Mr. CALVERT. Mr. Chairman, I strongly support H.R. 3709, the Internet Non-Discrimination Act. Why? Quite simply, an unhindered Internet has brought the benefits of knowledge, trade and communications to more people in more ways than ever before.

H.R. 3709 is not about sales taxes on Internet purchases. The bill in no way stops or restricts states or cities from taxing sales over the Internet. In fact, current rules governing state or local governments' ability to collect regular sales or use taxes on remote sales were set by the U.S. Supreme Court. H.R. 3709 leaves these rules untouched.

Instead H.R. 3709 stops new taxes that specifically target Internet access and sales. The bill extends for five years the current Internet tax moratorium, enacted in 1998. The existing moratorium outlaws taxes on Internet access, the double-taxation of a product or service bought over the Internet and discriminatory taxes that treat Internet purchases differently from other types of sales. The bill also ensures that the moratorium on Internet access taxes is equally enforced in all 50 states, for those who rushed to tax Internet access thinking that they could avoid the federal law.

Mr. Chairman, I encourage my colleagues on both sides of the aisle to support the Internet Non-Discrimination Act. The Internet should not become subject to special, multiple or discriminatory taxes.

Mr. WOLF. Mr. Chairman, I support H.R. 3709, a bill which extends the current moratorium on taxes on Internet access and taxes which apply only to e-commerce.

It is no secret that the success of high technology and the rapid growth of electronic commerce are key elements of our nation's unprecedented recent prosperity. Additionally, the Internet has enabled people around the country to have access to information and services which were difficult—if not impossible—for them to obtain prior to the high tech revolution.

I'm proud to represent Northern Virginia and the high-technology community that dots the landscape along the Dulles corridor and I–66. And I'm proud that we can boast that the place we call home is also the home of the Internet. Our high-tech corridor just isn't an important part of our regional prosperity. It's a critical part of the nation's prosperity. The high tech industry's growth and job creation have been key to our region's and America's booming economy. We must keep the economy growing, keep the good paying jobs, and maintain our economic prosperity. I believe H.R. 3709 is a key element in meeting these goals.

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

□ 1230

The CHAIRMAN pro tempore (Mr. NETHERCUTT). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 2 hours. The committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3709

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 ''Internet Non-discrimination Act of 2000''.

SEC. 2. 5-YEAR EXTENSION OF MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.

(a) EXTENSION OF MORATORIUM.—Section 1101 of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended—

(1) in subsection (a)—

(A) by striking ''3 years after the date of the enactment of this Act'' and inserting ''October 21, 2006'', and

(B) in paragraph (1) by striking '', unless'' and all that follows through ''1998'',

(2) by striking subsection (d), and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) TECHNICAL AMENDMENT.—Section 1104(10) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking ''unless'' and all that follows through ''1998''.

SEC. 3. APPLICATION OF AMENDMENTS.

The amendments made by this Act shall not apply with respect to conduct occurring before the date of the enactment of this Act.

The CHAIRMAN pro tempore. During consideration of the bill for amendment, the Chair may accord priority and recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BACHUS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Interstate Sales and Use Tax Compact Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the moratorium of the Internet Tax Freedom Act on new taxes on Internet access and on multiple and discriminatory taxes on electronic commerce should be extended;

(2) States should be encouraged to simplify their sales and use tax systems;

(3) as a matter of economic policy and basic fairness, similar sales transactions should be treated equitably, without regard to the manner in which the sales are transacted, whether in person, through the mails, over the telephone, on the Internet, or by other means;

(4) Congress may facilitate such equitable taxation consistent with the Supreme Court's decision in *Quill Corp. v. North Dakota*, 502 U.S. 808 (1992), which based its decision not to extend States' collection powers in significant part on its view that Congress has, by virtue of its constitutional power to regulate interstate commerce, the ability to authorize States to require out-of-State sellers to collect taxes on sales to in-State residents;

(5) States that adequately simplify their tax systems should be authorized to correct the present inequities in taxation by requiring sellers to collect taxes on sales of goods or services delivered in-State, without regard to the location of the seller or to the means by which the good or service is sold;

(6) the States have experience, expertise, and a vital interest in the collection of sales and use taxes, and thus should take the lead in developing and implementing sales and use tax collection systems that are fair, efficient, and nondiscriminatory in their application;

(7) States, by their own initiative, have formed the Streamlined Sales Tax System Project, a cooperative effort with local governments to radically simplify the sales and use tax system by bringing uniformity to tax bases, definitions, and administration, by simplifying the tax rate structure and administration, and by incorporating stringent privacy controls and technology into the collection process to preserve the basic tenets of consumer privacy, and that such project should be allowed to proceed without intervention by Congress; and

(8) online consumer privacy is of paramount importance to the growth of electronic commerce and must be protected.

SEC. 3. EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM THROUGH 2006.

Section 1101(a) of the Internet Tax Freedom Act (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking ''3 years after the date of the enactment of this Act—'' and inserting ''on December 31, 2006:''

SEC. 4. STREAMLINED SALES AND USE TAX SYSTEM.

(a) DEVELOPMENT OF STREAMLINED SYSTEM.—It is the sense of the Congress that States and localities should work together to develop a streamlined sales and use tax system that addresses the following:

(1) A centralized, one-stop, multi-state registration system for sellers.

(2) Uniform definitions for goods or services that may be included in the tax base.

(3) Uniform and simple rules for attributing transactions to particular taxing jurisdictions.

(4) Uniform rules for the designation and identification of purchasers exempt from sales and use taxes, including a database of all exempt entities and a rule ensuring that reliance on such database shall immunize sellers from liability.

(5) Uniform procedures for the certification of software that sellers rely on to determine State and local use tax rates and taxability.

(6) Uniform bad debt rules.

(7) Uniform tax returns and remittance forms.

(8) Consistent electronic filing and remittance methods.

(9) State administration of all State and local sales taxes.

(10) Uniform audit procedures.

(11) Reasonable compensation for tax collection that reflects the complexity of an individual State's tax structure, including the structure of its local taxes.

(12) Exemption from use tax collection requirements for remote sellers falling below a specified de minimis threshold.

(13) Appropriate protections for consumer privacy.

(14) such other features that the member States deem warranted to promote simplicity, uniformity, neutrality, efficiency, and fairness.

(b) NO UNDUE BURDEN.—Congress finds that if States adopt the streamlined system described in subsection (a), such a system does not place an undue burden on interstate commerce or burden the growth of electronic commerce and related technologies in any material way.

SEC. 5. INTERSTATE SALES AND USE TAX COMPACT.

(a) AUTHORIZATION AND CONSENT.—States are authorized to enter into an Interstate Sales and Use Tax Compact, and Congress hereby consents to such a compact. The Compact shall provide that member States agree to adopt a uniform, streamlined sales and use tax system consistent with section 4(a).

(b) EXPIRATION.—The authorization and consent in subsection (a) shall automatically expire if the Compact has not been formed before January 1, 2004.

(c) COMPLIANCE.—The streamlined sales and use tax system prescribed by the Compact as provided in subsection (a) shall be evaluated against the requirements of section 4(a) in a report submitted to Congress in a timely fashion by the Secretary of the Treasury who shall certify whether such a system has met the requirements in section 4(a).

SEC. 6. AUTHORIZATION TO SIMPLIFY STATE USE TAX RATES THROUGH AVERAGING.

Notwithstanding any other provision of law, any State levying a sales tax is authorized to administer a single uniform statewide use tax rate relating to all remote sales on which it assesses a use tax, provided that for each calendar year in which such statewide rate is applicable, if such rate had been assessed during the second calendar year prior to such year on all such sales on which a sales tax was assessed by such State or its local jurisdictions, the total taxes assessed on such sales would not have exceeded the total taxes actually assessed on such sales during such year.

SEC. 7. AUTHORIZATION TO REQUIRE COLLECTION OF USE TAXES.

(a) GRANT OF AUTHORITY.—Any member State that has adopted and participates in the streamlined system prescribed by the Compact is authorized, notwithstanding any other provision of law, to require all sellers not qualifying for the de minimis exception specified in such system to collect and remit use taxes on remote sales in such State.

(b) CONDITIONS.—The authority in subsection (a) shall be of no effect unless both of the following conditions are met:

(1) The streamlined system prescribed by the Compact has been submitted to Congress prior to January 31, 2004, with the approval of at least 26 member States.

(2) 90 days have passed from the date such system was first submitted to Congress under paragraph (1), and no joint resolution disapproving the system has been enacted pursuant to the procedures in subsection (c).

(c) PROCEDURE FOR JOINT RESOLUTION OF DISAPPROVAL.—If the Congress determines that the system prescribed by the Compact does not meet the requirements of section 4(a), a joint resolution disapproving such system may be enacted within 90 days of the submission of such system to Congress under subsection (b), pursuant to expedited procedures similar to and consistent with the procedures prescribed in section 2908 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

SEC. 8. LIMITATIONS.

(a) NO EFFECT ON NEXUS.—No obligation imposed by virtue of authority granted in section 7(a) shall be considered in determining whether a seller has a nexus with any State for any tax purpose.

(b) NO EFFECT ON LICENSING, REGULATION, ETC..—Nothing in this Act shall be construed to permit a State to license or regulate any person, to require any person to qualify to transact intrastate business, or to subject any person to State taxes not related to the sales of tangible personal property.

SEC. 9. DEFINITIONS.

For purposes of this Act—

(1) the term ''State'' means 1 of the 50 States of the United States of America and the District of Columbia;

(2) the term ''the Compact'' means the Interstate Sales and Use Tax Compact authorized by section 5;

(3) the term ''goods or services'' includes any tangible or intangible personal property and services;

(4) the term ''member State'' means a State that has joined the Compact;

(5) the term ''remote sale'' means a sale in interstate commerce of goods or services attributed, under the rules of section 4(a)(3) of this Act, to a particular taxing jurisdiction which jurisdiction could not, except for the authority granted by this Act, require the seller of such goods or services to collect and remit sales or use taxes on such sale;

(6) a remote sale ''in'' a particular taxing jurisdiction means a remote sale of goods or services attributed, under the rules of section 4(a)(3) of this Act, to a particular taxing jurisdiction;

(7) the term ''seller'' means a seller of goods or services; and

(8) the term ''Uniform'' refers to interstate uniformity.

Mr. GEKAS. Mr. Chairman, on that I reserve a point of order.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GEKAS) reserves a point of order.

Mr. BACHUS. Mr. Chairman, we have heard a lot of discussion this morning to the effect that this legislation affects sales tax. Others have said that this legislation does not affect sales tax. We've heard that this legislation threatens funding for local governments and State governments. We have also heard that this legislation has nothing to do with reducing funding for State and local funding.

The truth, Mr. Chairman, lies somewhere in between. The truth is that this legislation alone does not address sales tax. This legislation alone does not affect the States' ability to collect sales tax, to fund law enforcement, to fund education. However, there is a fear, a legitimate fear, that this legislation may slow the process of addressing the states and their ability to collect sales and use taxes. This is an important issue.

Now, let me say first of all, we say that this legislation extends ''the moratorium.'' What is the meaning of ''extends the moratorium?'' Well, the

Internet Tax Freedom Act of 1998 banned taxes on Internet access and it banned multiple or discriminatory taxes on electronic commerce. The Act did not ban the collection of sales and use taxes on sales made over the Internet. I repeat, the Act did not ban the collection of sales and use taxes on sales made over the Internet. So extending this moratorium will not ban the collection of sales and use taxes.

Now, what is the current law? Under current law, sales or actually use taxes are already imposed on all remote sales. If the remote retailer has a physical presence in the State, a store, a warehouse where the buyer is, then the retailer is required to collect and remit a sales tax. However, under the Supreme Court decision, 1992 decision, Quill decision, they said, if the remote retailer does not have a nexus or sufficient physical presence in the State, then the State cannot compel collection of sales tax. The buyer, however, is required to pay the use tax to their home taxing jurisdiction. Now, there is the rub. The use tax is not highly enforced, the compliance is very low. So when these sales are made over the Internet, then the State, in fact, does lose a sizable chunk of revenue. They will continue to do so until this issue is addressed with some reliable mechanism for collection from remote sellers.

The Supreme Court decision, the Quill decision has resulted in the situation where large Internet retailers, without stores in a State, are not required to collect sales tax, while other brick and mortar stores, or even an e-commerce firm with a warehouse or an office in a State, they are required to collect taxes on all sales. So we have an inequitable situation, and I think we all realize that. It's unfair. It's preferential. It should not be allowed to continue unaddressed.

In the 1992 Supreme Court case, the Supreme Court actually said, this is a situation that Congress can address. I agree. This is something that Congress, under the interstate commerce clause, should address. They made it clear that we had the authority to take action to cure this inequity. We have not done that since 1992.

Now, because I support a level playing field, and that is where in-store, catalog and on-line sales have the same tax collection treatment, I am introducing my amendment. I am introducing it also because, without this amendment, without us addressing this inequity in sales tax treatment, we are putting at jeopardy our local communities, the welfare of our children, the safety on our streets, because it is the sales and use tax proceeds that fund education in most States. It is the sales tax which funds local government. It is the sales tax which pays for police and fire protection.

In my own State, almost 50 percent of all State and local revenues are sales tax. In some States, over 50 percent are sales tax.

Now, Mr. Chairman, as I said earlier, there is a fear, there is a concern that merely extending the current moratorium does not address the main issue, and that is allowing States to require remote retailers to collect and remit sales tax. There is a fear among retailers and among 42 of the governors who have expressed this fear to us that merely extending the moratorium will only delay a decision on the issue of the States being able to collect sales tax.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. BACHUS) has expired.

(By unanimous consent, Mr. BACHUS was allowed to proceed for 3 additional minutes.)

Mr. BACHUS. Mr. Chairman, as I said, the 42 governors have expressed a concern, and that concern is, will extending the moratorium delay a decision on the issue of allowing States to require remote retailers to collect and remit sales taxes. They have said that if that is the case, that we should not move for a moratorium.

Now, Mr. Chairman, I have assurances that is not the case. I have assurances that the issue will be addressed. I have offered this amendment to address the situation. My amendment would authorize States to develop and enter into an interstate sales and use tax compact. The legislation would provide that States joining the compact would be required to adopt a simplified sales tax system. In turn, States adopting the simplified system would automatically be authorized to require remote sellers above the sales volume threshold to collect use tax on all taxable sales into a State. Retailers would also be provided a collection allowance to offset the cost of compliance.

What that would do, Mr. Chairman, is give a level playing field to all sales. The legislation would provide a framework for simplification, allowing States to require collection when the States achieve simplification, and I think it is a reasonable and necessary step for this Congress to take to pass this legislation. Merely extending the moratorium while failing to deal with this underlying problem I think would be irresponsible. We can deal with it. This Congress can and should deal with it this session.

I have assurances that the Committee on the Judiciary is going to take up this issue next week. For that reason, I am going to support the legislation on the floor. I am doing it despite my concern and that of both governors and the retailers, in that I have assurances that we will address this issue and that we will address it this year. I hope that my trust in this institution is well founded.

Let me say, in closing, this: ''The governors have made this request of the Congress. They have requested Congress to create incentives for States to streamline and simplify their sales tax systems so that remote sellers, whether Internet, catalog, or whatever, can collect sales and use tax as simply and easily as other retailers do, applying them only when companies surpass a minimal level to justify the burden.''

I think there is almost unanimous agreement in this body that we need to move in this direction For that reason, I am offering this amendment.

However, Mr. Chairman, I am told that it is not germane to this legislation, so I will withdraw the amendment, but I do so strongly urging this Congress to address this issue. If we pass this moratorium and we do not address this issue, we do it at the peril of local government, of educating our children, of all of the fears and concerns that have been raised by the opponents of this legislation. If we pass this moratorium and then we take up legislation to address this issue, then we will have the best of both worlds.

Mr. Chairman, at this time, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMENDMENT OFFERED BY MR. DELAHUNT

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

The Clerk read as follows:

Amendment offered by Mr. DELAHUNT:

Strike sections 2 and 3, and insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 2. 2-YEAR EXTENSION OF MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.

Section 1101(a) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking ''3 years after the date of the enactment of this Act'' and inserting ''October 21, 2003''.

Mr. DELAHUNT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DELAHUNT. Mr. Chairman, I am pleased to join with the gentleman from South Dakota (Mr. THUNE) in offering this amendment. It would extend the Internet tax moratorium for 2 years rather than 5 years beyond its current expiration date to October 21, 2003, and it would leave in place the existing provisions grandfathering the 10 States that had some form of Internet tax-related tax when the moratorium was first enacted in 1998.

The amendment would allow the States a reasonable extension of time to simplify their system for taxing transactions so as to foster the growth of electronic commerce, while continuing to meet their responsibilities to provide essential services to their citizens.

Let me be clear, Mr. Chairman. I support the moratorium. In fact, I was among its early cosponsors, because it did seem essential to me that Congress provide sufficient breathing room and

time to develop a more uniform, efficient and fair and neutral system of taxation. Over the past 2 years, the States have made considerable headway in this effort. I see no reason why it should take them 5 more years to complete it. In fact, a full 5-year extension, all it will do is eliminate a major incentive to address the real issues here.

That is why a 5-year extension is opposed by the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, the U.S. Conference of Mayors, and numerous other groups, both business and labor. That is why a 5-year extension is opposed by 36 governors, Republican and Democrats alike, including Governor Leavitt of Utah, Governor Sundquist of Tennessee, Governor Thompson of Wisconsin, Governor Ryan of Illinois, Governor Engler of Michigan, Governor Ridge of Pennsylvania, and Governor Taft of Ohio.

These governors realize that a 5-year extension will accelerate the erosion of the sales tax and diminish the ability of the States to fund vital services. States that depend on the sales tax for as much as a third to a half of their total revenues will be forced to either cut spending or raise other taxes to make up the shortfall, the income tax or the property tax.

□ 1245

That is why the administration opposes the 5-year extension.

Let me read the statement of administration policy issued yesterday, May 9: ''The administration would support a 2-year extension of the current moratorium. The proposed 5-year extension would significantly reduce the incentive for States to simplify their tax systems right now, to the detriment of all interested parties, particularly small business.''

We talk about encouraging e-commerce. A 5-year extension discourages Internet sales. A 2-year extension fosters and embraces e-commerce.

The only information, the only hard data that we have so far, it is not simply rhetoric, it is evidence and it is clear and convincing, State governments lost $525 million in taxes on online sales last year alone. That is only the beginning. Unless there is a system in place that enables the States to collect taxes on the sales, they will lose more than $20 billion per year by 2003.

In conclusion, Mr. Chairman, the Delahunt-Thune amendment would provide a reasonable extension of the moratorium without changing the rules in midstream and without eliminating the incentive for all interested parties to devise an efficient, equitable, and technology-neutral system for the taxation of sales of goods and services, whether it be online or in the stores, in our communities and neighborhoods.

I urge support for the amendment.

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, this amendment will have the effect of shortening of length of time that taxpayers of this country are protected from some of the most regressive taxes that we can imagine, taxes on access to the Internet.

It is important to remind everybody again, this legislation had absolutely nothing to do with the collection of sales taxes on the Internet. That issue is going to be addressed starting with hearings in the Committee on the Judiciary this month. If we are going to try to mix these two things together, we are going to do so to the great detriment of the American people.

Five years is actually a compromise. There were members of the Committee on the Judiciary who wanted to make this extension permanent. And why not make it permanent? After all, permanent extension of very unfair taxes on people's charges, the things that show up on their bills from their Internet service provider companies, where they have to pay $2, $3, $5, whatever the charge might be to be able to just get online and to experience all the benefits of the Internet, we have to pay that same amount no matter what our level of income is, that is a real effort to dig the hole deeper that many people have called the digital divide. The way to close that divide and get every American on the Internet is to eliminate these access charges.

I oppose it for that reason. I also oppose it because it takes away something we have done in this legislation, and that is to stop some States who were grandfathered under the old law from being able to continue these very unfair access charges.

This bill ends those grandfathered provisions in the bill. This amendment takes that away. So to me, when I hear the other side talking about fairness, yes, if they want to talk about sales tax fairness, I would love to participate in that debate at another time. If we want to really talk about fairness, let us have a law that applies fairly to everybody with regard to these very unfair taxes on access to the Internet.

Five years is the amount recommended by the Commission report. At the appropriate time, I will introduce a letter that I have just received addressed to the Speaker of the House and asked to be made in order in the full House, a letter from my Governor, who was the chairman of this Commission, strongly endorsing the provisions of this legislation as they stand.

It is my hope that we will follow it, because it was not just the majority who wanted the 5-year extension of this moratorium. Governor Leavitt, the opponent of the recommendations of Governor Gilmore, his alternative proposal included a 5-year extension of the moratorium on these very unfair taxes on access to the Internet.

So if we are going to be fair and we are going to recognize a truly consensus opinion, we ought to go forward with the 5-year extension and reject a 2-year extension, which quite simply puts the taxpayer in this country at jeopardy in a short period of time of again facing these very unfair, regressive charges that have nothing to do with the imposition of sales taxes on the Internet.

There is nothing to prevent the Congress or the States from addressing the sales tax issue individually, collectively, in cooperation with the Congress, at any time during this extension of the moratorium.

So this 2-year extension is simply a way of taking away from taxpayers a protection against an unfair tax that creates this digital divide. Instead, I would hope that everyone would reject this amendment and promote closing the digital divide by removing some of the most unfair taxes on the Internet. Some that exist now in some States, they should be removed, and in the States that are under the current moratorium, that moratorium should be extended for 5 years.

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

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, at last, a bipartisan amendment has arrived on the floor. We put our arms around it and thank the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from North Carolina, who have recognized that if we limit this extension of the present moratorium on Internet access taxes and discriminatory taxes for 2 years, we will have arrived at a place that most of us will be much happier about.

It is unfortunate that the speaker before me has not seen the letter in which the Governors are asking us to please, please take into consideration the fact that they want their taxes extended. Twenty-two of them are Republican Governors.

I believe that this 2-year extension is a far more appropriate period for the moratorium. It is my hope that by such time the States could build on the very serious steps they have already begun to reform and simplify their laws. Then we could consider whether we want to approve any interstate process affecting these simplification efforts. If the States were not making progress by 2003, it would be a simple matter to extend the moratorium for an additional period of time if that were needed.

By contrast, there is a real risk that extending the moratorium through 2006 would, in effect, delay this issue and create a situation where the States have no incentive for reform. This would have the effect of codifying into the law the present Byzantine, unmanageable, complex State tax system which harms both consumers and business.

So this is why so many concerns have been raised about a 5-year extension. It is too long. It is opposed by the administration, which has written that ''The proposed 5-year extension would significantly reduce the incentive for

States to simplify their tax systems, to the detriment of all interested parties,'' but especially hurt would be small businesses.

A 5-year extension is also opposed by the National Governors Association. Read the letter. It is now on the RECORD. It is opposed by labor, the AFL–CIO, the NEA, the AFT, AFCSME, and by business through the National Retail Federation, the Wal-Marts, the Sears, the Home Depot and K-Mart, and many, many others.

So we have arrived at a place where we can all come together, Republicans and Democrats, high-tech supporters and brick and mortar people. Let us come around to the Delahunt-Thune proposal now before the floor, now on the floor, which would give a 2-year extension, no more 5-year extension, a 2-year extension that would give our own committee the opportunity to hold the hearings and to deal with the realities and complexities of these problems on a sober and bipartisan basis to solve these very large problems that are facing us.

Such a process has been sorely missing to date in our headlong rush to the floor to secure political points. For that reason, my commendations to the gentleman from North Carolina and to my dear friend, the gentleman from Massachusetts (Mr. DELAHUNT). I urge that their amendment be given further consideration.

Mr. THUNE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me, just for the point of the RECORD, say that the State is South Dakota, not North Carolina. But I am sure North Carolina cares very deeply about this.

I say to the gentleman from Michigan, let me just speak to this issue, if I might, in favor of this amendment, for a couple of reasons. I think it is critical in the time that I have been here in Congress, and actually prior to the time that I arrived here.

I have heard a lot of debates about how important it was that we move power out of Washington, D.C. and decision-making out of Washington, D.C. and give more power to the States, because we trust the ability of the individual States to make decisions about what is in their best interest.

That is I believe what is at stake here in this debate today. That is the issue of States' rights, and whether or not those States who have chosen already to employ certain taxes should be allowed to continue along those lines.

The amendment we have before us right now would restore States' rights on Internet services. The Tax Freedom Act which we adopted a couple years ago grandfathered those States which imposed, actually imposed such a tax prior to enactment. This amendment would allow those grandfathered States to assess taxes on Internet services in the same manner as other services.

I want to make one thing very clear here. In my State of South Dakota, and I think it is fair to say that the vast majority of States who are impacted by this who already had provisions in law, we are not talking about a new tax on Internet services that is in any way discriminatory. This simply allows them to assess the sales tax which is currently being assessed on this service.

In our State of South Dakota this is a very important issue. We do not have an income tax. Fifty-three percent of our State's revenue is raised by the sales tax. This bill fundamentally represents an attack on the revenue base of our State. Our municipalities also, that is their primary way of running their operation. They are very dependent upon the sales tax. Main Street businesses agree that there should be tax equity and tax fairness.

I would say to my colleagues who are looking at this issue and trying to determine how they might want to vote that what we are attempting to accomplish here is nothing more than was done in 1998 when we acted on this last time. That is to grandfather those States, about eight States around the country, who already have provisions in law that allow them to tax equally these services in the same manner that all other services are taxed. We are not talking about a new tax.

I think my record in this body as a tax cutter is clear. This amendment does not address the issue of tax on Internet sales or the question of permanent charges. What it does do is allow those States that currently have a sales tax in place to continue to apply that tax in equal manner on Internet services, just like they would on any other service in their States.

Mr. Chairman, what I would simply say today is that as Members look at this issue, there are a couple of things to keep in mind. One is that what we are talking about here really I think in a very fundamental way is the rights of States.

As I said earlier, I believe in the debates we have held in this House since I have been here, we have talked a philosophical vein about how better to shift power and decision-making back to the States. What we are telling the States today is we are sorry, they cannot do it this way, and we are going to deprive them of a revenue source that they have chosen to adopt in terms of raising revenue to run their operation.

□ 1300

And the other issue very simply I would say, too, is a matter of tax equity, and that is, this is not a discriminatory tax Internet services, this is the same tax that is applied to all other services across this country or across our State, at least, and I think to the other States that are affected by this.

One other point I would make with respect to the moratorium, and the gentleman from Massachusetts has spoken to that, but the current moratorium does not expire until October 21, 2001. This amendment would extend the moratorium an additional 2 years, that gives us 3½ years in which to address this issue.

I believe that to be ample amount of time. Furthermore, I think the longer that we extend that deadline into the future, the less pressure there is on this institution to grapple with and deal what is going to be a very important issue to our States, our municipalities and our small businesses.

I would also add that this is one of the very rare issues in my experience here in Congress where I have the business community in my State, municipal leadership, State leadership, our governor, all on the same side of the issue. This is an issue which impacts small businesses across our State, many of our businesses, small retailers and Main Streets across South Dakota are already at a competitive disadvantage in a lot of ways to catalog sales, but the Internet services that are underway today, the sales that occur there are yet another way in which they are put at a competitive disadvantage.

Mr. Chairman, I believe that this is an issue which cries out for a fix. I think it is going to be incumbent upon this Congress to act in a way that would enable our States to address this issue to resolve it, and to have a stable and predictable revenue source as they head into the future.

I would simply say to my colleagues that I believe this amendment to be a sound amendment. I do think it provides ample time in which to resolve these issues, and furthermore, it eliminates the provision that would penalize those States that already, in law, have chosen in a nondiscriminatory way, in an equal way, in a neutral way to tax all their services at the same level. I urge the adoption of the amendment.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me start by making two comments on some things that have been said before by some opponents of the amendment, the gentleman from Pennsylvania, the gentleman from Virginia. It was said that this bill seeks to give effect to the recommendations of the commission, the commission that was appointed under the first Internet moratorium bill, which I supported 2 years ago. It simply is not true. The commission made no recommendations whatsoever.

The law establishing the commission was very careful to specify that the commission could only make a recommendation of anything by a two-thirds vote. The commission was divided, nothing got a two-thirds vote. The chairman of the commission, the governor of Virginia, took it upon himself to disobey the law, and in the name of the commission, to make a recommendation, even though it did not have the two-thirds vote.

We should give no weight to those recommendations as recommendations of the commission. They are recommendations of some members of the

commission. The commission made no recommendation whatsoever, because they could not agree.

Second, we are told that by supporting a 2-year moratorium, we are going to be very unfair to business. We are going to be very unfair. Is the governor of Ohio, Mr. Taft, suggesting very unfair provisions? Is Governor Ridge suggesting unfair provisions, Governor Leavitt, Governor Thompson, Governor Engler, most of the Democratic governors in this country, are they all being very unfair here or are they all simply being prudent and asking us not to interfere with the welfare of their States, which is what I think is happening.

Let us go back to basics here as we look at this amendment and as we look at this bill. The Internet is a great thing. We want to promote its growth. We do not want burdensome or unfair taxation to inhibit its growth. There are certain problems that arise when we talk about how to tax the Internet.

Mr. Chairman, there are 6,000 jurisdictions in this country, and it might very well be burdensome to say okay, if you ordered something in New York from a seller in Wisconsin and the signals go through 22 other States, however the Internet is routed, I do not understand it, there may have 22 different States levying sales tax or trying to, and who knows how many jurisdictions, obviously we cannot have that.

We have to figure out a different way of doing that. We have to simplify it so that it is not a burdensome thing for an Internet company or a seller over the Internet to adhere to the law and to levy or collect a tax.

Fine, to figure out how to do that, we enacted a 3-year moratorium, and we appointed a commission, the States are working it out. The governors tell us it will take another year or two to work a very simplified sales tax, uniform sales tax system throughout the country that will permit a simplified collection that would not be burdensome; okay, that makes sense.

We also want to make sure that everybody is on the level playing field. We know that the economy grows fastest. We know that economic growth is greatest, productivity is greatest, wealth creation is greatest when economic decisions are made on the basis of economics.

When people in the private sector make their decisions what to buy, what not to buy, how to ship their goods, how to order something, where to buy it from, on the basis of efficiency and economic utility not on the basis of taxes. So we want taxes insofar as possible not to affect economic decisions.

If you want to order something, whether you order it by walking into the store on Main Street or into the mall a couple miles away or from a catalog seller or over the Internet, should be decided on the basis of any number of factors, but not on the basis that one has an advantage of tax over the other.

Mr. Chairman, that is an improper consideration. If the Internet is going to grow, and it is, it ought to be on its own merits. If brick-and-mortar companies are going to be advantaged or disadvantaged, it should be on the basis of their economic advantage, not on the basis of tax advantage or disadvantage, that, too, is something we have to make sure we do right, that taxes raise revenue, but do not unfairly advantage one sector over another because it is unfair. It inhibits the growth of the economy; that we have to make sure we do.

A 2-year moratorium extension, especially a year in advance of the moratorium end that we have, we have another year and 16 months to go into the existing moratorium, gives ample time to figure all of this out. A 5-year moratorium would be another 6 years, as was said by the gentleman from South Dakota (Mr. THUNE), would freeze into practice too many practices, it might be impossible to change them 6 years from now, especially at the rate that things are growing.

Now, we are told that this bill does not deal with the sales tax question. It is true, it does not. But to allow half a solution and not the other half would freeze things, and that we should not do.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Delahunt amendment, and to make the arguments that, as I indicated in general debate, it amazes me that we would rush to the floor of the House to deprive 10 States, comprising a large population of the United States, their inherent rights. The right to make independent assessments and determinations as to how they collect revenue.

Now, I am prepared to spend a lot of time in hearings. I think it is extremely important that this body acts as a fact-finder. It is interesting that, having participated in the revising of the Telecommunications Act or the revising of telecommunications in the United States by way of the Telecommunications Act in 1996, I understand those who preceded me in tenure indicated that that process lasted many, many long years. But yet today in the year 2000, we are confronting issues in the Telecommunications Act that are sticking points and have not been resolved, because all legislative initiatives cannot foresee down the road what the problems may be.

Mr. Chairman, we have problems with the Telecommunications Act right now as we speak. But yet we want to precipitously deny the rights of 10 states, some 17 million citizens in the State of Texas and many others around the Nation, with the limited amount of hearings and understanding of how we can best encourage E-commerce and, as well, address the needs of those such as the State of Texas that would lose over $1 billion in revenue.

I cannot understand why, in fact, there is such an urgency with 8 months out, I believe, a time frame in which we can study the issues appropriately. I will subsequently add an amendment or debate an amendment that I will offer that adheres to the 5 years, but grandfathers the State in. I believe it is crucial that we are fact-finders and that we get the information. This will deny the cities of this Nation, the States of this Nation, the opportunity to provide reasonable revenue for health care and for education.

Then, secondarily, though there are 37 million people who may access the Internet. And I might say in Texas, we allow $25 worth of access fees that are nontaxable, so we are sensitive to the idea of opening up the Internet. But this will be denying these individuals the opportunity for resources that they greatly need.

I do not know how this Congress can do it. Particularly a Congress that represents itself to be respectful of States rights. This is harming 10 States and harming the State of Texas. I believe we should seek a moratorium that allows us to stay this issue. I believe, however, that we should not take away the rights of those 10 States and, more importantly, I do not think we should move precipitously when we really do not know the best way to approach this.

Mr. Chairman, my last point is to simply say as much as we may not want to view this as an equity question, it seems to me that we should consider all of those individuals who go into stores and buy their goods. And I disagree with any comparison that this is like a fee going into a shopping mall. It is not. Consumers are on the Internet and buying the goods right there. They go into a store we pay sales tax. Let us be fair and make sure that we have a situation where we respect those States who have already opted to make their choices on taxation.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to respond to the comments that were just made. It is suggested that a continuation of the status quo, which protects users of the Internet from discriminatory taxation, would somehow harm the State of Texas. But the State of Texas is increasing its tax take under the status quo. As a matter of fact, sales tax collections in the State of Texas for the year we have just completed are up 5 percent.

The same is true across the country. There is not a State in America that is not better off now than it was before the passage of the Internet Tax Freedom Act and the two are not disconnected, because the growth of the new economy is fueling a growth in American productivity and a record increase in jobs and a flood of revenues to government at all levels.

There is no revenue impairment. There is no revenue loss. There is more taxation and more collection of taxes

for State and local governments, and for the Federal Government, than ever before in our Nation's history.

Mr. Chairman, let us look at the figures. At the end of 1999, all 50 States were in surplus. The States finished 1999 with $35 billion in total surpluses. And that is at the same time that they were growing their spending by nearly 8 percent on average. Total tax collections among the 50 States are up not by 1 percent, not by 2 percent, not by 3 or 4 percent, the range of our economic growth, but by 11 percent. Total tax collections among the States, up 11 percent from $420 billion in 1998 to $466 billion in 1999.

We do not need more taxes. We do not need discriminatory taxes. We do not need double taxation. And all that this bill does, all that it does, is ban discriminatory taxes and multiple taxes. So I need to know which one, which kind of taxes, the discriminatory ones or the multiple ones, the opponents of this legislation are in favor of.

But in my view, there should not be a moratorium. There should be a permanent ban on such taxes. We should not have discriminatory taxes against the Internet and we should not have multiple taxation. Two States should not tax the same commerce twice. One State ought to do that, and that is what this legislation wisely does.

Now, in truth the debate is not about what it seems to be about. We are not really arguing about that. Instead, people are taking a very good piece of legislation, the Internet Tax Freedom Act, and they are holding it hostage. They are saying, ''All right. We agree with you, there should not be multiple taxation. There should not be discriminatory taxation. But we have another issue with sales taxes and we would like you to address that some time, and we think that only if we take this perfectly good piece of legislation and hold it hostage will you listen to us.''

□ 1315

I remember once when I was in college, I think, maybe I was a little older than that, the National Lampoon put out one of their magazines. Some of my colleagues have seen the National Lampoon, and it had a very clever cover. On the cover was this adorable little puppy with a gun to its head. It said, ''Buy this magazine or we will shoot this dog.'' Of course the message was meant to be humorous, but it is an illustration of the legislative tactic at work here.

People do not like the fact that they have a Supreme Court decision that impairs State sales tax collection on remote sales. They would like Congress to address that legislatively under our Article I, Section 8 power. Because that is not what we are debating here on the floor today, they want to take this piece of legislation hostage and say, well, at least it is about the Internet. Let us slow down this legislation and make them add on to this other issue.

That would be a bad idea because what it would mean is that people would not have the certainty that they now have that we are not going to at the Federal level, we are not going to at the State level, and we are not going to at the local level impose discriminatory taxes on the Internet that tax the Internet when the off-line commerce would not be taxed in the same way or multiple taxes on the Internet. We are not going to tax Internet access because we really do care about the digital divide.

If my colleagues care about the digital divide, do not pile new taxes on Internet access. That is what the existing legislation, which this would extend, prevents. There are many good reasons, but none more significant than the flood of revenues to our States to support the Internet Tax Freedom Act and its extension in the form of the Internet Nondiscrimination Act.

For those reasons, I urge strongly that we oppose the amendment.

Mr. ROGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to associate myself with the gentleman from California (Mr. Cox). I think that he has hit the nail directly on the head.

Mr. Chairman, I am pleased to yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from California for yielding to me.

Mr. Chairman, Congress created the Advisory Commission on Electronic Commerce in 1998. The purpose of the Commission was to study the Internet taxation issue and submit a report of its findings to the Congress. The Commission consists of representatives from State and local governments, the administration, the business community, and others.

In its recent report to Congress, the Commission suggested that the Internet tax moratorium that was in existence, created at the same time the Commission was created, be extended for 5 years. While there was disagreement on several Internet tax issues, which we are not addressing today, including the sales tax issue, which some want to keep bringing up, there was complete agreement on a 5-year moratorium extension.

While Congress is not bound by the Commission's report, we should follow its suggestions unless there is good reason to do otherwise. After all, that is why Congress created a Commission. No good reason exists to deviate from the Commission's suggestion that the moratorium be extended for 5 years.

Choosing to extend the moratorium for 2 years is completely arbitrary. There is no evidence that a 2-year extension is better than the Commission's suggestion of 5 years. Again, Congress should follow the Commission's lead, especially on an issue where there was complete agreement unless there is good reason not to, which does not exist here.

While it is true that the recent Commission report was not supported by two-thirds of the commissioners, which was a requirement for submitting formal recommendations to Congress, it is also true that some of the issues examined by the Commission were supported by two-thirds of the commissioners. Extending the moratorium for 5 years was one of those issues.

If we take this amendment and extend it only 2 years, we are depriving the American taxpayers a protection against one of the most unfair, most regressive taxes one can imagine.

Sales taxes, which the gentleman wants to take up and find a way to impose on people who buy goods and services on the Internet, they are regressive taxes because, generally speaking, they hit lower income people harder than other taxes.

But taxes on access to the Internet, which is what we are addressing in this bill, not the sales taxes, are far more regressive because, regardless of one's income, regardless of one's wealth, one pays the same amount of tax for that access to the Internet.

So, again, for everyone here who wants to close the so-called digital divide and make sure that every American has the opportunity to have access to the Internet for the educational benefits that arise from it and the ability to do business on it to have jobs related to it, to be able to shop on the Internet, to be able to advocate political points of view on the Internet, we should not be allowing a tax on that access.

So we should extend this moratorium as long as we could. But we certainly should extend it no less than what the two-thirds majority of the commissioners recommended, what the Committee on the Judiciary has recommended, because we are, in effect, simply keeping people free from some of the worst taxes that one can possibly impose.

I urge my colleagues again to reject this amendment.

AMENDMENT OFFERED BY MR. CHABOT TO THE AMENDMENT OFFERED BY MR. DELAHUNT

Mr. CHABOT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT to the amendment offered by Mr. DELAHUNT:

Strike line 1 and all that follows through the end of the amendment, and insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 2. COMPREHENSIVE AND PERMANENT MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.

(a) COMPREHENSIVE AND PERMANENT MORATORIUM.—Section 1101 of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended—

(1) in subsection (a)—

(A) by striking ''3 years'' and inserting ''99 years'', and

(B) in paragraph (1) by striking '', unless'' and all that follows through ''1998'',

(2) by striking subsection (d), and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) TECHNICAL AMENDMENT.—Section 1104(10) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking ''unless'' and all that follows through ''1998''.

Mr. CHABOT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. CHABOT. Mr. Chairman, this is a perfecting amendment to the Delahunt amendment. The intent of the amendment is to make the moratorium permanent. For parliamentary reasons, it was necessary to pick a date specific, a certain amount of time. In this case, we chose 99 years, which, in essence, effectively makes the moratorium permanent.

Mr. Chairman, back in 1998, I worked with the gentleman from California (Mr. COX) to introduce and push legislation that would place a moratorium on Internet taxation. The effort resulted in the passage of the Internet Tax Freedom Act, which placed a 3-year moratorium on three particular types of Internet taxation: taxes on access charges, multiple taxes, and discriminatory taxes.

At that time, we were warned of the dire consequences for State and local governments if such a moratorium were enacted. However, contrary to these concerns, the moratorium has proved to be quite successful.

Since enactment of the Internet Freedom Act, millions of Americans have gained access to the Internet, and electronic commerce has grown exponentially. The Internet economy has created millions of new jobs, and new economic opportunities for Internet businesses as well as more traditional companies.

As a result of this rapid expansion, most State and local governments are experiencing massive increases in tax revenues and record budget surpluses. There has been a lot of talk in this Chamber about bridging the so-called digital divide and providing all Americans with access to the Internet.

According to a Department of Commerce report released last July, only 12 percent of those households with combined incomes from $20,000 to $25,000 have Internet access, compared to 60 percent of those households earning $75,000 or more. Raising taxes and increasing prices on consumers will only make that situation worse.

The most reliable way to ensure that Internet access is available to all is to help keep prices and costs low. By extending the moratorium and permanently banning Internet access taxes, we can lower future costs and ensure that Internet access remains affordable for all Americans.

Mr. Chairman, thriving new industries have always been prime targets for new and discriminatory taxation in this country. For example, our constituents are still paying for the Spanish-American War courtesy of an excise tax on telephone use enacted all the way back in 1898 and still on the books. If we do not act affirmatively to protect the Internet, it will soon be subject to these same types of bogus charges which can hinder its growth, raise prices, and hurt consumers.

By merely extending the current moratorium rather than making it permanent, Congress is leaving the flood gates open for a tidal wave of future taxation, which could cripple this vital technology. It is time to slam those gates shut, lock them tightly, and throw away the key.

If we do not enact a permanent moratorium and, instead, continue to pass temporary extensions, no one, not State and local government entities, not the Internet business community, and not the consumers, will know what the future may bring. By enacting a permanent ban ,we can end this uncertainty and allow the Internet to flourish, free from the threat of future taxation.

Mr. Chairman, we have an obligation to pass this proposal today. The Internet is a global network, and subjecting it to a myriad of State and local access taxes will cripple its development and prevent some families from gaining access to this wonderful tool.

I urge my colleagues to protect our constituents' access to this thriving technology and vote to make this moratorium permanent.

Mr. NADLER. Mr. Chairman, I rise in opposition to the perfecting amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. CHABOT) which would provide for a permanent extension of the moratorium on Internet taxation.

I obviously do not support multiple or discriminatory taxes, but I oppose a permanent moratorium because I fear, if we pass a permanent moratorium, we will never return to the more important issue of State tax simplification. Failure to revisit this issue will harm all interested parties: retailers, both electronic and otherwise, State and local governments, and consumers.

The fact is that we have a moratorium in order to allow the States and the Governors and the Federal Government to address the issue of how one fairly taxes transactions conducted over this new medium, without giving an advantage, without stifling it, without burdening it, but also without giving it an unfair advantage over other types of business and over other media for the conduct of business.

If we do not solve that problem, one of two things results. One could have stifling taxation on the Internet which would inhibit its growth, and that is why we want a moratorium to avoid that. I have no problem with the moratorium. I was one of its sponsors 2 years ago.

Secondly, if we do not allow sales taxes on goods purchased over the Internet, then we, to a very large extent, destroy the tax bases of State and local government, and we give an unfair advantage to purchases over the Internet compared with purchases not over the Internet.

As I said before, the economy, the growth of the economy, the efficiency of the economy demands that economic decisions be made on economic bases, not in order to avoid tax by going in one direction and not the other. That is a formula for less economic growth, less economic efficiency, lower economic productivity.

If we make this moratorium permanent now, without dealing with the problem of how to fairly and without undue burden taxing transactions over the Internet, we may never get back to that.

The Internet entrepreneurs quite properly want relief and assurance against future multiple or discriminatory tax. The moratorium gives them that for the time being. But to give them that permanently without dealing with the other half of the problem is probably to mean we will never get to the other half of the problem. That is wrong.

Why rush? We are first having hearings on that question next week in the Committee on the Judiciary. We should, from those hearings, come to some agreement on how to deal with it legislatively. We do not have to act now at all until those hearings and until we know what we are doing, but we are acting anyway for purely political reasons.

The moratorium has another year to run. If we want to extend it 2 years, okay, so we have 3 years to solve this problem. A permanent extension now, when the moratorium has not finished and we have another year, is simply saying we do not care about solving the problem of sales taxes; and that would lead, as the Washington Post notes in its editorial today, to damage to our State and local governments which we claim to care about.

I notice the cavalier attitude on the part of the majority of this House today toward unfunded mandates in this bill. We give lip service to opposing unfunded mandates. I do not mind them. I voted against the unfunded mandates bill. But most of the Members in this House give lip service to not imposing unfunded mandates in this bill, but we are doing it even though one of the sponsors of this bill says he has no idea the amount of the unfunded mandates. He does not want to take the time to find out.

So I suggest that we should not have a permanent moratorium. A 2-year moratorium is adequate to enable us to do what we have to do; namely, figure out a rational and fair way of giving everyone fair and equal taxation while burdening the Internet with multiple and discriminatory taxation.

So I urge the defeat of the amendment.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

□ 1330

Mr. DELAHUNT. Madam Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Madam Chairman, I thank the gentleman for yielding to me, and he did so for the purpose of my making a unanimous consent request.

Madam Chairman, I ask unanimous consent that the time of the debate on the perfecting amendment and the underlying amendment, the Delahunt-Thune amendment, be limited to 10 minutes, to be divided equally between the sides.

The CHAIRMAN pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Massachusetts?

Mr. GOODLATTE. Madam Chairman, reserving the right to object, the gentleman has asked for a total of 20 minutes additional time?

Mr. DELAHUNT. Madam Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. I would advise the gentleman that I am asking for 10 minutes; that we should limit the time for the debate on the Chabot perfecting amendment and my underlying amendment to 10 minutes, to be divided equally between the sides.

Mr. GOODLATTE. Well, I am concerned that I have a lot of speakers over here. How would that time be managed?

Mr. DELAHUNT. Well, if the gentleman will continue to yield, the ranking member of the subcommittee would manage it for the opponents, and I presume the gentleman from Ohio (Mr. CHABOT) or the gentleman from Virginia (Mr. GOODLATTE) would manage it for the proponents.

Mr. GOODLATTE. And that is 10 minutes on each side?

Mr. DELAHUNT. That is 5 minutes on each side.

Mr. CHABOT. Madam Chairman, I object. There are a number of speakers, I believe, who are interested in speaking on this amendment.

The CHAIRMAN pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. ISTOOK. Madam Chairman, an inquiry of the Chair.

The CHAIRMAN pro tempore. The gentleman may state his parliamentary inquiry.

Mr. ISTOOK. Madam Chairman, under the rule, is it correct that remaining debate time, which must include the additional amendments which have been prefiled and are to be offered the remaining time for debate, is limited to 1 hour? So that if everyone keeps speaking on this, they are effectively trying to stifle the consideration of other amendments?

The CHAIRMAN pro tempore. The time for consideration will expire at 2:30.

Mr. ISTOOK. Will expire at 2:30. So that any time consumed by this amendment, should it consume all the remaining time between now and 2:30, would have the effect of preventing the House from considering the other pending amendments?

The CHAIRMAN pro tempore. That is correct. The Committee of the Whole will have to conclude consideration of amendments at 2:30.

Mr. ISTOOK. Madam Chairman, is there any way that someone who, in good faith, has sought to offer an amendment to this bill can avoid this filibuster tactic?

The CHAIRMAN pro tempore. That is not a parliamentary inquiry.

Mr. ISTOOK. But it is a good point. I thank the Chair.

Mr. NADLER. Madam Chairman, may I inquire of someone over there how much time, perhaps the gentleman from Virginia (Mr. GOODLATTE), if 5 minutes on each side is not acceptable for a UC request, ask how much might be?

Mr. GOODLATTE. I would have to defer to the gentleman whose amendment is on the floor.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. CHABOT) may respond.

Mr. NADLER. Would 10 and 10 be acceptable?

Mr. CHABOT. There are a number of speakers over here that have indicated they want to have sufficient time to address this particular amendment. I do not think it will take a tremendous amount of time, and I would hope that we will have an opportunity to get to the amendment of the gentleman from Oklahoma (Mr. ISTOOK) or any other amendments that might be offered.

Mr. NADLER. Would 10 minutes on each side be acceptable to the gentleman?

Mr. CHABOT. Not at this point in time. The Committee on Rules set this rule. I am not on the Committee on Rules, I do not know how many folks sitting here are. But this is the rule we are dealing with. If we could move on and have the Members who would like to speak on this amendment, hopefully we will be able to have time to get to other amendments. That is, I think, the goal of all of us.

The CHAIRMAN pro tempore. Is the gentleman from New York stating a parliamentary inquiry?

Mr. NADLER. I am simply trying to ascertain if there is any amount of time. I do not know what other amendments people have.

The CHAIRMAN pro tempore. Is the gentleman from New York stating a unanimous consent request?

Mr. NADLER. Madam Chairman, I ask unanimous consent for a 20-minute time limit for this debate, to be divided equally between the two sides. That would allow 40 minutes for all other amendment combined.

Mr. COX. Reserving the right to object, Madam Chairman, I think this discussion is consuming time off the clock, and that if we simply proceeded with debate on the amendment that is already under consideration, we could then proceed in order to the next amendment and the next amendment.

I am aware, for example, that the amendment of the gentleman from Oklahoma (Mr. ISTOOK) is largely duplicative. It also is for 2 years, which we are already debating. A lot of this debate is supportive of debate on the other amendments as well. But I would urge we stop the parliamentary infighting and just get back to our regular business.

I, therefore, object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. ROGAN. Madam Chairman, I move to strike the last word.

Madam Chairman, I am pleased to support the amendment offered by my friend and colleague, the gentleman from Ohio (Mr. CHABOT) that would make the moratorium on taxation on Internet access permanent. This amendment will send a message that Congress is opposed to excessive regulation and taxation of e-commerce.

There is little debate here today on the impact of the Internet on our economy. Yet, despite its rapid growth, the Internet is still in its technological infancy. The potential for growth and the creation of new wealth is tremendous. This growth will continue to affect Americans at all economic levels. This rising tide of economic expansion has and will continue to lift all boats.

In fact, the largest growth potential remains in home-based businesses. Goods, services and technology are available to consumers around the globe as never before. Taxation on the Internet raises many unanswered questions. Nationwide, there are some 6,000 competing separate tax levying jurisdictions. Congress must act to ensure that the electronic engine of our national economic growth is not unfairly punished by any of these competing jurisdictions or by an unwieldy combination of them.

Today, we have the opportunity to continue the explosion of productivity and growth that we have seen from the Internet. From the booming tech companies of the Atlantic to the heart of the Silicon Valley, to those companies in my district in Los Angeles County, e-commerce is touching the lives of all Americans. Internet companies are fueling hometown economic revivals.

With this broad impact, Congress must act responsibly and decisively. By passing the amendment of the gentleman from Ohio and the underlying legislation, we will be sending a message that e-commerce is a technology to be embraced and not choked under the heel of government taxation.

I urge my colleagues to support this amendment offered by our colleague from Ohio to enact a long-term ban on access to Internet taxation.

Mr. DELAHUNT. Madam Chairman, I move to strike the requisite number of words.

Mr. GANSKE. Madam Chairman, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Iowa.

Mr. GANSKE. Madam Chairman, I rise in opposition reluctantly to the amendment by my good friend from Ohio in favor of the amendment of the gentleman from Massachusetts (Mr. DELAHUNT) and also, when it comes up, the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

Madam Chairman, the Internet taxation issue is the number one issue for small town business men and women in my district. They see this lengthy moratorium on e-commerce taxes as unfair. They are paying taxes and losing business to competitors who do not pay those taxes.

This tax policy gives on-line retailers a competitive advantage over brick-and-mortar retailers. It is a myth that e-commerce needs preferential tax treatment because it is a new industry. The Internet has reached 50 million people in 4 years. Look at some of the earlier breakthroughs. Radio needed 38 years to reach the same number of users; television 13 years. So the Internet's development has been nothing short of phenomenal. With that robust growth, requiring on-line retailers to collect sales taxes will not harm their growth.

This is really a question of somebody else getting hurt. I agree with Governor Leavitt of Utah when he said, ''You know, we all hate taxes. But if we have to pay them, then at least they ought to be fair.'' At the White House and in Congress we hear a lot about fair trading practices. Let us talk about fair trade at home. Let us deal with the issue promptly and not pass on it. Taxing some companies but not others is not fair. What prevents a huge retailer like Wal-Mart, with unlimited resources, from setting up computers instead of registers so that customers could purchase goods on-line and avoid a sales tax?

We should not put off a decision on Internet taxation for 6 years. The current moratorium ends in October of next year. Next year we will have a new President and a new Congress. That will be a reasonable period of time for us to deal with this issue. Putting it off for 6 years is unreasonable and unfair.

As an article in today's Washington Post explains, ''The extension is deceptive legislation that in the short run doesn't do what most people think, and that in the long run could do real harm. The measure does not ban sales taxes on e-commerce, transactions over the Internet, but it sounds as if it does, which suits the sponsors just fine.''

Let us not pass the buck on this decision to a Congress 6 years away. Let us not pass the bucks, the bucks that businessmen in my district are now losing to an unfair tax. I am going to support the Delahunt amendment, and I am going to support the Istook amendment on extending the moratorium from 5 years to a realistic 2 more years, right into the next Congress. If that drawback fails, I am voting no on the bill.

Let us deal with this issue soon and not pass the buck. At a time when the majority is pushing to devolve political power and authority back to State and local levels, I believe this issue is all the more important. If we are to expect many of the important governmental programs to be implemented in this way, States and localities must be allowed the means to raise that revenue.

In February, the University of Tennessee published a report that projects how much money States will lose per year by 2003 if businesses are not required to collect use taxes that are owed by purchasers on electronic commerce. The report found that the State of Iowa alone would lose $162 million, and nationwide, States would lose $20 billion.

According to the U.S. Census Bureau, 47.9 percent of State revenues come from sales taxes. If sales tax is not collected on e-commerce transactions, State and local governments will have to find other ways to offset their losses. This could mean raising taxes on income or cutting back on essential community services, such as education, law enforcement, public libraries, and transportation.

Once again, my colleagues, Congress needs to stop passing the buck on this issue. My small businessmen and businesswomen consider this their number one issue. Vote for Delahunt, vote for Istook. If they fail, vote ''no'' on the underlying bill.

Mr. HUTCHINSON. Madam Chairman, I move to strike the requisite number of words.

I am pleased to rise in support of the Internet Nondiscrimination Act, and I want to thank my colleague from Virginia for his work on this important issue.

The bill before us provides a moratorium on access taxes on the Internet for 5 years. I think this is important to allow the development of this new technology that is truly in its infancy stage. There is an amendment that has been offered that would limit this moratorium to 2 years. I believe that is too temporary. It is not long enough and, therefore, I will oppose that amendment.

The present amendment that is offered makes that permanent, or for 99 years, and I appreciate my colleague from Ohio for raising this point in the debate and allowing us to have this discussion, but I think everyone here in Congress knows that a permanent ban is probably not in the dictionary when it comes to the actions of Congress, because we can change that down the road. So I think it is somewhat of a meaningless gesture, however, I believe it is important, because of the other issues surrounding this moratorium, that we do reengage in this debate down the road.

One of the issues that are on the periphery of this moratorium is the States' concern that this somehow impedes their collection of sales taxes on distance sales. I know that my governor of Arkansas has written a letter expressing the concern about this moratorium impacting the collection of sales taxes by the States. When, in fact, as it has been pointed out, this clearly would not prohibit the States from trying to develop a means to collect sales taxes on distance sales via the Internet or catalogue sales.

I am sympathetic to that concern, and I believe it is important that the Committee on the Judiciary engage in hearings to address this issue, to continue the debate on that. We need to continue to watch to see the impact on sales tax collections by our States that impact our schools and other services provided. But I am also concerned about the brick-and-mortar businesses, the Main Street businesses, those that rely upon in-store shopping. They are obviously concerned about the Internet having a competitive advantage, those engaged in e-commerce.

I think we need to wait and see, but the debate is very important, and I hope that will continue in hearings in the Committee on the Judiciary, and I know legislation will be introduced to clarify and reduce the obstacles that States face in collecting the sales taxes. It is not an obstacle created by this moratorium, but it is an obstacle created by the fact that there are no collection methods at present that the Supreme Court has not found creates an undue burden on interstate commerce.

□ 1345

So, therefore, I think we need to look at what we can do to help the States, make sure that there is not a burden, as well as the problem with the brick-and-mortar businesses, as I mentioned.

The Internet development clearly should be encouraged. I believe that if there is a possibility that taxes would be imposed on access to the Internet that that would be a hinderment. I believe that we should support this moratorium for that reason.

In my district in Arkansas, where middle America is rural America, I believe the Internet explosion, the opportunities for e-commerce, the development of dot-coms represents the future of rural America even. We see it in the Silicon Valley. We see it on the East Coast. But in rural America, we have in my district a dot-com which has developed that is employed. I think we are going to see more of that. And so, I do not think we want to hamper it right now with the potential for new taxes on access to that great future that is really in its infancy now.

For that reason, I oppose the amendment to make the moratorium permanent, I support the underlying bill, and I ask my colleagues to join in that effort.

Mr. CONYERS. Madam Chairman, I rise to strike the requisite number of words.

Madam Chairman, members of the committee, I am, first of all, saddened that the Chabot amendment was attached to the Delahunt provision. If only it could have been a more fair parliamentary universe, we would all be better off in trying to make these decisions.

But having said that, I have no other alternative but to oppose a permanent extension of a moratorium on Internet access and discriminatory taxes. Because if we pass a moratorium now, I guarantee my colleagues that we will never return to the important issue of tax simplification. We just will not come back, this is it. To try to nail this on to the Delahunt amendment that narrows to 2 years this extension I think is very, very unwise.

The problems with the present system are fairly well-known by now. The complexity is daunting. Six-and-a-half thousand taxing jurisdictions in the United States, and we want to provide for a permanent extension of the moratorium without so much as a hearing, without anyone ever having examined what it is that we would be doing were we to accept such a provision?

Needless to say, any retailer with a physical nexus to his State is subject to a myriad of confusing and complex State and local taxes.

Next, the current disparate tax treatment as between brick-and-mortar and remote sellers has the potential to cause continuing economic distortion.

In the New York Times, it has been written, an elementary principle of taxation says that taxes should distort purchasing decisions as little as possible and it is not the role of the Tax Code to determine whether a customer shops in stores, on-line, or by mail order.

The gentleman from New York (Mr. NADLER), the ranking member of the subcommittee, has made that point repeatedly. This is not the job of Tax Codes to determine where customers shop.

Now, with regard to the impact on State and local governments, maintenance of the current system carries with it the potential for significant financial loss. Sales taxes in State after State is the most important revenue source, far greater than income or property taxes.

And so, what are we doing here with projections of on-line sales estimated to exceed $300 billion in only a couple years from now, State and local governments could lose as much as $20 billion in uncollected sales tax.

So, my colleagues, please let us vote no on the Chabot amendment, as well-intended as it may be, and continue our support for the Delahunt provision.

Mr. CUNNINGHAM. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I strongly support a permanent ban on the tax of the Net. We need to free the Net. If we look at the Internet, e-commerce and technology today, it has stimulated the economy. There is an explosion of the stimulated economy.

In the year 2000, we need not to go back to an analogue system of government or an analogue system of business. Some of my colleagues have said that jobs will be threatened in small business. Small business can join the Net just like anybody else. Many already have. And the smart ones will in the future join the Net. It will benefit them and free them from unnecessary taxes.

Because I want to tell my colleagues, Madam Chairman, if we increase taxes, government at State, at local and at Federal will spend it. I absolutely guarantee they will. An increase in jobs due to the Internet actually stimulates growth and has increased tax revenue of existing taxes. The increase in production of goods produces an increase of existing taxes.

But my friends on the other side of this issue want a brand new tax. Think of the bureaucracy alone that it would take to regulate this new tax. Some of my friends like big bureaucracy. Small business will actually benefit from taking off and freeing the Net.

I would take a look at the other side of this issue and the spin. There is a group here in Congress that has never found a tax that they do not like, never; and any tax relief that we want to give, it is only for the rich. Whether it is for a marriage penalty, whether it is for the death tax, whether it is for capital gains, whether it is for education relief and scholarships, it is only for the rich.

Well, let me tell my colleagues, the same group, my colleagues on the other side, let me put it in perspective.

In 1993, when the Democrats controlled the White House and the House and the Senate, they increased the tax on the middle class, they increased the tax on Social Security and said it was good for the country. They increased the gas tax. They even had a retroactive tax. And that was supposedly good for the country because, if we did not have those taxes, we were going to have to cut education, we were going to have to do this. But, at the same time, they increased spending.

The Vice President was the deciding vote on all of those tax increases. And yet, they will spin this that a new tax is always good for the country. I reject that, Madam Chairman.

In essence, we need to go forward in this country in the year 2000.

There is another group here, Madam Chairman, that further supports my contention that there are groups that will spin anything to increase or support a new tax. That is a group called dsausa.org, Democrat Socialists of America. It is on the Net. This is their Web page.

Under that Democrat Socialists of America, there are 58 Democrats that belong to the Progressive Caucus that are listed under this. Now, the Democrat Socialists of America support government control of health care, government control of education, government control of private property and, number four, the highest tax possible so that they can have the highest socialized spending.

My contention is that there are those in this body that would increase taxes at any cost, prevent tax relief at any cost, and increase spending in the Government, which has driven us into a debt of nearly national oblivion.

I rise in strong support of the underlying bill.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, first let me announce that a prize will be given to anyone who can connect the dots between the previous speech and the subject under discussion.

As to the subject under discussion, it is whether or not we should extend a moratorium for 2 years or 5 years, and it is a moratorium which already has more than a year to go. That is, there are no advocates right now of taxing the Internet, per se.

There are many of us, nefarious organizations, one that the previous speaker did forget to mention, most of the governors of the United States, whom some people here do not trust because they believe that if the governors are allowed to continue to administer their sales taxes, they will spend us into oblivion.

But what we are talking about is not allowing taxes on the Internet as the Internet. We are talking about the dilemma we face in not being able to enforce the collection of sales tax which are concededly legally due and owing through Internet purchases.

Now, there is currently a moratorium. It expires next year. The gentleman from Massachusetts (Mr. DELAHUNT), my colleague, has offered an amendment to extend that for 2 years. The underlying bill would extend it for 5 years.

There is an amendment, the never-never land amendment, that would extend it out indefinitely. But I believe the real issue of a serious note is whether we extend it for 5 years or 2 years. That is the key, do we extend the moratorium until 2006 or until 2003.

So it is not a case of wanting to tax the Internet. It is not a case of letting the moratorium fail, even though it has no expiration date until next year. The question is whether it is a 3-year extension or a 5-year extension of a moratorium; in other words, a moratorium or a less-atorium. But it is still going to be a veto on any taxes.

The question, then, is why are some of us against a 5-year extension. The answer is this: States today depend in many cases heavily on the sales tax. There is a reason for allowing the States to collect the sales taxes that are already owing, both to finance important State activity, and also so that retailers who operate in cities and elsewhere are not at a competitive disadvantage because the purchaser has to

pay a tax when, de facto, a purchaser over the Internet may not have to.

Collecting sales taxes on Internet purchases is conceptually easy but has some specifics of that to be worked out.

What we need is the participation of the people who do the retailing over the Internet and the local and State governments and others so that we can work out a sensible regime whereby sales taxes that are legally owing can be collected once, not in a duplicative fashion, so that we do not put the Internet at any disadvantage but neither do we give them a competitive advantage over those physical retailers located in communities and so we do not detract from the revenues that States need to carry out their responsibilities.

The problem many of us feel is this: If we further extend this moratorium for 5 years and, a fortiori, if we do it forever, as the pending amendment proposes, we reduce substantially any incentive for those who have the expertise about e-retailing to participate in the negotiations we need to work out a fair system.

The retailers over the Internet will say, well, wait a minute. We are worried we may have multiple sales tax claims. People may claim we owe in this State and owe in that State. How do we find out the best way to enforce it?

By some conversations and negotiations.

The effect of passing indefinite moratoria, first until 2001 and then to 2006 and then maybe ultimately forever, will be to undermine the possibility of discussions so that we can come up with a regime not where we tax the Internet but where we fairly allow State sales taxes to be collected irrespective of where the purchase is made.

That is the goal. We do not want economic decisions to be made based on tax avoidance or tax advantage. We want them to be made based on the real economic activity. And, therefore, the legal system ought to be neutral as between physical stores in particular locations and retailers over the Internet.

□ 1400

In fact, today they are not. In fact, there is an advantage in buying over the Internet because of the difficulty of collecting the sales taxes and the uncertainties. What we are trying to achieve is a regime where there will be no such disadvantage, where the States will not be losing revenues. People have said, ''Well, not that much is sold over the Internet now.'' But the goal, of course, is greatly to increase that. That is a perfectly legitimate goal. That ought to be a matter of consumer choice. Whether to do it through the Internet or do it through a physical location, or go back and forth. But if we allow a tax disadvantage, then we will not reach that ideal.

Mr. COX. Madam Chairman, I move to strike the requisite number of words.

I rise in support of the amendment that is pending, the Chabot amendment.

Madam Chairman, the preceding speaker began by asking whether anyone could connect the dots between the preceding speakers and the subject under discussion, then told us that the subject under discussion was whether we should have a 2-year extension or a 5-year extension of the existing moratorium. Whereas, in fact, the subject under discussion is the Chabot amendment, and the Chabot amendment, as the author made very plain when he explained it, would make the existing moratorium on discriminatory and multiple Internet taxes permanent. It is not a question of 2 years or 5 years. The subject under debate, the current amendment, and every Member should focus on this, is whether or not to make the existing moratorium permanent. So that is mistake number one that I wanted to correct. It is, we are not debating 2003 or 2006, we are debating permanent or not.

The second thing that the gentleman said is that we should oppose either a 5-year extension or impliedly a permanent extension because States depend on sales taxes. But it is very, very important to repeat, again, as we have so many times in this debate, that neither the Chabot amendment, which is now under consideration, nor the underlying bill which it amends, nor the existing Cox-Wyden moratorium on Internet taxes, multiple and discriminatory taxes, even mentions sales taxes. Sales taxes are not covered by this amendment or by the legislation.

The third thing that the speaker mentioned is that we need to give e-tailers, that is, small businesses and businesses of all kinds that do business on the Internet, an incentive to negotiate on the sales tax question, which I think everyone in the Chamber appreciates is an important question. But doing something unfair, injurious to them and to the economy as a means of getting their attention and supposedly giving them an incentive to negotiate is hardly a legitimate means for this government to proceed. It is like offering to help you by driving a nail through your hand and then saying, I will pull it out.

The ban on multiple taxes and on discriminatory taxes is one that ought to be made permanent because it is the right thing to do. The governors agreed with me when I originally wrote the legislation that we should not have taxes on Internet access and indeed they support a permanent ban on taxes on Internet access. Governor Leavitt, as the head of the National Governors Association, has long supported a permanent ban, not just one for 2 years or 5 years, or what have you, on Internet access taxes, because he, like so many of us is, worried about the digital divide or does not wish one further to develop.

If you are interested in getting broader access to the new economy through the Internet to more Americans, we would like to keep the freight charge on getting on the Internet in the first place as low as possible. And certainly we should not have people piling on with new taxes.

Lastly, let me add to what has already been said. That not a single State in the country has enacted legislation to tax the Internet. Not one. All of these attempts to tax the Internet are illegitimate acts of bureaucrats, tax-collecting bureaucrats in the States who are reinterpreting the tax laws of those jurisdictions to apply to the Internet which AL GORE had not even invented yet when these laws were passed, but not a single State out of all 50 has passed an Internet tax in this country. That is to say, the legislature never said, ''Here's the Internet, let's tax it.'' Instead, they have utility taxes or they have telecommunications taxes or line charges or various things that have been laying around that were designed for something else, and the bureaucrats, the tax administrators, have decided that they were going to reinterpret them cleverly to apply to the Internet, even though the legislature of the State never made any such determination.

That is why Democratic Senator RON WYDEN and Republican Congressman CHRIS COX first got together with the Internet Tax Freedom Act to say, no, there are plenty enough taxes on the books already. We do not want new taxes, either ones cooked up in the imaginations of tax bureaucrats or by legislatures that will single out the Internet for discrimination, for discriminatory treatment.

There are only three kinds of taxes that are covered in this moratorium, and I will conclude by saying this, Madam Chairman. The first is a tax on Internet access. The second is a discriminatory tax, that singles out the Internet and taxes it when a main street business would not be taxed in the same way, or a street corner would not be taxed in the same way. The last is a multiple tax where two States would tax the same commerce. Since none of us is in favor of those things, we should be in favor of the Chabot amendment. I urge all my colleagues to vote for it.

Ms. JACKSON-LEE of Texas. Madam Chairman, I move to strike the requisite number of words.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Chairman, might I say to my colleagues, it is interesting. We are actually having the debate that I believe would be more appropriate in each of our respective committees. I know that the Committee on Commerce is addressing this question. I know the National Governors Association has proposals that they would like us to consider. The Committee on the Judiciary is going to have hearings next week, or the week after next. Let me say to my

colleagues, if we are concerned about the 10th amendment, here is what we can do today.

Frankly, we could do nothing, which is not to have this bill on the floor of the House. But we can respect the fact that we do not have all the answers and we could, as I had intended to do, to offer an amendment that ensures that the grandfathered States remain grandfathered, the 10 States that are the ones that have already addressed this question in the best way that they feel appropriate for garnering revenue in their respective States.

Might I, for the record, indicate that those States include Texas, Connecticut, Montana, New Mexico, Ohio, South Carolina, Tennessee, Washington and Wisconsin. I do not know what other States may have pending legislation. We have an expiration date of 2001. We could continue that expiration date with the grandfathered-in states, we could continue to have hearings and we could determine the most appropriate manner to address this question. It is not often that Members of Congress want to cite editorials, but I think it is important to note that even The Washington Post, which I think is known for its progressiveness and certainly would be supportive of Internet companies and access to the Internet, recognizes that the States have the ability and the rights to make some of these decisions.

For example, they cite one form that could be utilized, the answer is for the States to make their tax codes more uniform, not the rates but the definitions, what constitutes food, for example, which is often exempt, and that Congress should authorize an interstate compact. That is just one suggestion. But we are here with no suggestions and we have the Chabot amendment that wants to make it a permanent moratorium. They want to bankrupt cities and counties and States permanently. Texas is poised to lose $1 billion. Our State comptroller says that we are getting a $50 million revenue. Does everybody want to put all their eggs in the lottery basket? Is that what we are going to send States to, is that everybody has to depend on the big day in the lottery and see if they can get any small dollars out of that? I think that what we are doing is a great disservice. The amendment that I had intended to offer clearly spoke to the idea that States have found their way into structuring a tax system that responds to their needs.

In the instance of Texas, we even gave relief to the first $25 access fee. I think that clearly shows that States have an intellect about this access fee and are not intending to gouge e-commerce. They want it to thrive. They want it to grow. I do not know how we could imagine that we could have a permanent moratorium without reasonable hearings and listening to the National Governors Association and answering the question.

As I indicated, Madam Chairman, I had intended to offer this amendment because, as I gathered with my constituents, the concern was to ensure that we do not bankrupt States, period. I am encouraged by the debate on the Delahunt amendment, and I certainly do not want the Chabot perfecting amendment, permanent moratorium to pass, for I think we would be characterized as clearly doing business in the dark. We have no information that would warrant a permanent moratorium, a permanent bankruptcy of local jurisdictions or State jurisdictions.

I would therefore like to ask the gentleman from Massachusetts (Mr. DELAHUNT), in light of my concern, whether his underlying amendment speaks to the issue, one, of the question of the grandfathered States, are they still included as the present legislation has them in the main bill?

Mr. DELAHUNT. Madam Chairman, will the gentleman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. The Delahunt-Thune amendment just simply extends the current existing status quo for an additional 2 years upon the date of expiration of the current moratorium. That date is October 21, 2001.

Ms. JACKSON-LEE of Texas. Which then, as it extends, it would include already present law which is the existing grandfathered states?

Mr. DELAHUNT. It would include everything that is currently embraced by the existing moratorium.

Ms. JACKSON-LEE of Texas. I thank the gentleman.

Let me just say that in concluding, the expiration date is 2001. This gives us an extra 2 years beyond that, an opportunity for detailed work on this issue. I oppose the Chabot amendment. Vote for the Delahunt amendment and get us back to where we need to be.

Madam Chairman, I rise to raise my amendment seeking to maintain the grandfather clause permitting states that already impose Internet access taxes, to continue to do so; which I intend not to offer in order to oppose the Chabot amendment which calls for a permanent moratorium and instead support the Delahunt amendment which extends current law with the grandfathered states remaining for two years.

This bill seeks to change the current five-year moratorium prohibiting states or political subdivisions from imposing taxes on transactions conducted over the Internet. I do not support extending the moratorium through 2006 because it bars states from collecting much needed tax revenue.

Under current law, there is a limited moratorium on state and local Internet access taxes as well as multiple and discriminatory taxes imposed on Internet transactions, subject to a grandfather clause permitting states that already tax Internet access to continue such practice.

My amendment would restore the grandfathering clause of present state practices that permit the taxation of Internet access charges. The current moratorium is scheduled to expire on October 21, 2001, and was merely designed as an interim device to allow a commission to study the problem of Internet taxation.

There is simply no reason to change the law at this time. For this reason, I was concerned that this particular bill was rushed for consideration at a full judiciary mark-up.

My amendment will allow states to maintain the ability to generate vital tax revenues that fund essential state programs for the public. Many states across our nation already rely on these crucial revenue streams.

The ability of states to decide and implement their own tax policies is their right. The Congress should not enact this legislation without voting for my amendment which would allow the states of Connecticut, Montana, New Mexico, North Dakota, Ohio, South Dakota, Tennessee, Texas, Washington, and Wisconsin to continue the funding of vital services for their states.

Madam Chairman, we should not support a bill that champions the growth of an industry on the backs of hard working Americans who often do not directly benefit from the technological revolution. We must first address the digital divide in our country before we enact another measure of corporate welfare.

Mr. STEARNS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Chabot amendment. I would say to those who are against this, that there are other ways to tax these products once they get into the State of jurisdiction, either through a tax on UPS or a tax on Federal Express, there are lots of other ways to tax it. I submit also the way the tax structure is from State to State is so complicated that you cannot even understand how to even tax it.

So I think the moratorium, until we figure it out, is the way to go.

I had an amendment, Madam Chairman, to extend the 19-member advisory commission on electronic commerce. That is the proper way to do it. This commission, as we know, had the formidable task of studying the impact of sales and use tax collection on Internet sales. They made some recommendations. I am disappointed, of course, that the commission failed to gain the two-thirds majority necessary for a formal recommendation to Congress. As a result of the commission's impasse and procedural wrangling, several of the most important questions the commission was given to solve, they could not answer. For example, whether Congress should mandate simplification of sales and use tax administration and whether the existing nexus standards for interstate commerce should be overturned still have not been solved. That is why I thought the amendment was appropriate for this debate this afternoon which was not in order, the parliamentarian said it was not in order, an amendment to offer to revise and reconvene the 19-member advisory commission on electronic commerce in order to finish the task that they were assigned originally.

The underlying bill, the Chabot bill, which is to extend the moratorium forever and the Cox bill, which is to go for

5 years, I support in both cases. Without this 19-member commission reconvened, I do not think they can really start to understand some of the major questions of the Internet, mainly, the simplification of sales and use tax, and how we are going to even tax the Internet. So until we do that, we should have a moratorium on this. That is why I am very supportive of this Chabot amendment.

This goes to a larger question. If, in fact, we cannot determine to simplify taxes through the Internet and understand it, maybe that goes to the overall question of reforming the tax code in America, which would be either a flat tax or a sales tax. I submit a sales tax is based upon taxing Americans on their consumption rather than how hard they work. That would be done on a State-by-State basis, and they would make that decision. I submit, also, that a moratorium on the tax on the Internet does not preclude the States from taxing within their State on products that are brought in through either location or through Federal Express or UPS and things of that sort. I think the actual way to handle this on a larger measure is to reestablish the 19-member advisory commission on electronic commerce, let them finish the task of determining how to simplify taxes and whether there should be taxes on the Internet, finish their job and present their recommendations to Congress, and hopefully the whole landscape of electronic commerce and the Internet will become more obvious, more mainstream and technology will catch up, and the answers that we are trying to grapple with this afternoon, we will be able to solve better.

In the meantime, I think we should support the Chabot amendment. I urge adoption of it. Madam Chairman, I will draw up as a separate bill the idea of extending the 19-member commission to study the simplification of taxes on the Internet. I urge all my colleagues to support my bill.

□ 1415

Mr. KASICH. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I find myself very frustrated with this discussion, because it is my sense that in a lot of regard, we have missed the point of the debate about the Internet. When I listen to some of my colleagues talk about the need to be able to collect all these revenues, I almost think of the Pharisees in the Bible who were so hung up on the micro that they, in fact, missed the macro issues at hand.

The Internet is the engine that is helping us to generate, frankly, unprecedented economic growth, certainly unprecedented economic growth over the period of the last several decades. The Internet has driven the growth of jobs, a million people are now employed in a sector that did not even exist 5 years ago. It is not just driving jobs in the sector affecting the Internet, but if we just look at that one, there are 1 million people who did not have jobs in this area just a few years ago. It is driving the growth of wealth. What we see happening in America for the first time in a long time is that this growth in productivity and this growth in wealth is not just affecting people at the top, but it is affecting all Americans. Everybody is better off today as a result of the growth of this economy and the growth of productivity.

What this growth in productivity has done is to lower inflation. If one is an American and one is trying to figure out how to think about the economy, look at productivity. Productivity is the ability of a worker to produce more in the same amount of time, squeezing out inflation, which gives us real economic growth and a growth in wages.

That is what has been happening in America. The single largest contributor to the growth in productivity, the growth in wealth, and the growth in wages for Americans at all levels has been information technology, the Internet. Why would we try to tax something, why would we try to abuse something, why would we try to limit something that is generating for us unprecedented growth, unprecedented wealth, unprecedented opportunity, and unprecedented individual power?

When we look at the Internet and what it offers in the area of health care and education, the benefits can be unlimited. Just yesterday, as a result of the computer and its ability to, in an exponential factor, be able to calculate, just yesterday it was announced that we have been able to isolate the gene that affects Down's syndrome. How many mothers and fathers in this country have wished that we had isolated the gene for Down's syndrome decades ago?

There are a lot of young staffers that watch this debate on the House floor, and this Internet is about you, it is about the future, it is about your power and your children's power.

People say we do not collect enough revenue. We are going to lose revenue growth. Madam Chairman, 46 States are running surpluses, they totaled $7.5 billion from 1992 to 1998, State revenues grew by 45 percent, that is more than the growth of inflation and population combined. The States are awash in revenue. Government at all levels is growing too big, not just in Washington, but at the State level and the local level, and it should be the mission of government in the 21st century to break the hold of government, retrench government and get government to not do what we can do for ourselves, and only to perform those functions that we cannot do for ourselves. If we tax something, we get less of it. That is precisely what we would do if we began to tax an infant industry that offers us limited potential.

Frankly, where we need to go is to let this industry grow unabated, to not have access fees and to tax the sales on the Internet. Let it grow. Let it realize its complete potential, because its potential affects each and every one of us in a very positive way. At some point, it will be necessary to look at a tax system in the 21st century that will be consistent with the growth of the new economy. To apply a 20th or a 19th century tax system to this new economy is like putting the wheels from a Volkswagen on an Indy racing car. We want that car to go as fast as it can, and our tax system in America ought to be one that is consistent with economic growth, which frankly leads us in the direction of consumption taxes, taxes that reward savings and investment, that is consistent with the new growth and new economy and the growth and the potential that we have.

Madam Chairman, I say to my colleagues, we should not have access fees, all sorts of taxes on this Internet. Let us extend the gentleman from Ohio's amendment. Let us hold up on taxing the Internet and let us give technology and individuals a chance.

Mr. ISTOOK. Madam Chairman, I have an amendment at the desk on behalf of myself and the gentleman from Maryland (Mr. CARDIN).

Mr. GOODLATTE. Madam Chairman, I reserve a point of order.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Virginia (Mr. GOODLATTE) reserves a point of order.

There is already an amendment pending. The Chairman of the Committee of the Whole has to first dispose of the amendments pending.

Does the gentleman wish to speak on this amendment?

Mr. ISTOOK. Madam Chairman, I wish to speak on my amendment and to offer the amendment for consideration.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma to offer an amendment notwithstanding the pendency of another amendment?

Mr. GOODLATTE. Madam Chairman, I object to the consideration of another amendment when there are two amendments pending on the floor.

The CHAIRMAN pro tempore. Objection is heard.

Does the gentleman from Oklahoma (Mr. ISTOOK) wish to speak on this amendment?

Mr. ISTOOK. Madam Speaker, I wish to offer my amendment which is at the desk. If there are no further speakers, I believe it is proper to proceed.

Mr. GOODLATTE. Madam Chairman, I would insist upon my point of order.

The CHAIRMAN pro tempore. The Chair would first put the question on the pending amendment. Another amendment is not in order at this point.

Are there any other speakers on the pending amendment?

Mr. LEVIN. Madam Chairman, there is a poignant scene in Homer's epic, The Odyssey, that bears mention as we consider the legislation before the House today. On his journey

home, Odysseus' ship must pass by the island of the Sirens, whose beguiling song has the power to hold men spellbound to such an extent that the sea around their island is heaped with wrecks of ships that have fallen under their spell. Forewarned of the danger ahead, Odysseus stops up the ears of his crew with wax so they cannot hear the Sirens' song, and has himself bound to the ship's mast, and thus safely makes the passage.

I was reminded of this ancient narrative when I read the bill before us today. The legislation we are considering extends the Internet tax moratorium until October 21, 2006. It seeks to bind our course when the only certainty is that we haven't the faintest idea of what lies ahead. E-commerce did not exist six years ago. Who know what it will look like six years from now? Some projections show that on-line sales could exceed $300 billion a year by 2002. We have not adequately explored the ramifications of this legislation or considered the concerns of the vast majority of the nation's governors who seek a mechanism to level the playing field between the bricks-and-mortar shops of Main Street and the clicks-and-mortar shops of cyberspace. But the authors of this legislation have stopped their ears with wax. There were not even any hearings on this bill.

We need to chart a reasonable course. There is not yet a consensus on what course we should set on the issues of Internet taxation and state tax simplification. Clearly there is a need for an extension of the moratorium, and I actively support an extension of two years. But to stifle action for six years regardless of what might be the winds of change is not a prudent navigation of public policy. A two-year extension of the moratorium would provide us additional and hopefully sufficient time to resolve outstanding issues of considerable complexity. We can always revisit this issue and grant another extension if conditions warrant it. I therefore urge my colleagues to support the Delahunt amendment, which extends the current moratorium until October 21, 2003. We shouldn't legislate without a compass on an issue of this importance.

The CHAIRMAN pro tempore. Are there any speakers on this amendment? The Chair will put the question on the pending amendment.

The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT) to the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CHABOT. Madam Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the House Resolution 496, further proceedings on the amendment offered by the gentleman from Ohio (Mr. CHABOT) and on the pending first degree amendment will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

After section 3 insert the following:

SEC. 4. STREAMLINED NON-MULTIPLE AND NON-DISCRIMINATORY TAX SYSTEMS.

It is the Sense of Congress that a State tax relating to electronic commerce, to avoid being multiple or discriminatory, should include the following:

(1) a centralized, one-step, multi-state registration system for sellers;

(2) uniform definitions for goods or services that might be included in the tax base;

(3) uniform and simple rules for attributing transactions to particular taxing jurisdictions;

(4) uniform rules for the designation and identification of purchasers exempt from the Non-multiple and Non-discriminatory tax system, including a database of all exempt entities and a rule ensuring that reliance on such database shall immunize sellers from liability;

(5) uniform procedures for the certification of software that sellers rely on to determine Non-multiple and Non-discriminatory taxes and taxability;

(6) uniform bad debt rules;

(7) uniform tax returns and remittance forms;

(8) consistent electronic filing and remittance methods;

(9) state administration of all Non-multiple and Non-discriminatory taxes;

(10) uniform audit procedures;

(11) reasonable compensation for tax collection that reflects the complexity of an individual state's tax structure, including the structure of its local taxes;

(12) exemption from use tax collection requirements for remote sellers falling below a specified de minimis threshold;

(13) appropriate protections for consumer privacy; and

(14) such other features that the member states deem warranted to remote simplicity, uniformity, neutrality, efficiency, and fairness.

Mr. ISTOOK (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN pro tempore. Considering the remaining time, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 3 minutes in support of his amendment, and the Chair will recognize a Member opposed for 3 minutes.

Mr. GOODLATTE. Madam Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. GOODLATTE) reserves a point of order.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Madam Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Is there a copy of this available? We do not have a copy over here.

Mr. ISTOOK. Madam Chair, I will make sure an additional copy is sent to the gentleman immediately.

Mr. FRANK of Massachusetts. The gentleman could e-mail it to me.

Mr. ISTOOK. Madam Chair, I would if I had a terminal right here.

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 3 minutes.

Mr. ISTOOK. Madam Chairman, this is the amendment that has the support of the governors who have serious concerns about this legislation, and also of the retail merchants who seek nothing but fairness in this. We should not discriminate against those who do business via the Internet, nor should we discriminate against those who do business outside of the Internet.

Now, as has been brought forward, the big problem with the underlying legislation is that it tries to take an easy thing, saying we do not discriminate against the Internet and ignore the difficult task of resolving the difficulties of equal treatment, a level playing field.

As has been proposed by the governors, and proposed by retail merchants, and we have letters of endorsement from them, we need something that they know is a road map. This is how we do it uniformly and fairly. As the legislation sense of Congress specifies, it would be through a centralized, multi-State registration system for sellers, uniform definitions for goods and services that are subjected to a potential tax; uniform and simple rules for attributing transactions to one jurisdiction and one jurisdiction only, so there would be no multiple taxation and no discriminatory taxation; similarly, uniformity which the States frequently do through the Commission on uniform laws.

Madam Chairman, this is simply Congress trying to give a road map. That is what people have been crying out for. We want to do things in a fair, non-discriminatory fashion. Just give us some assistance in doing so instead of saying no. That is what this is. It is a sense of Congress. It is not binding, but it certainly gives the States and retailers guidance. I am pleased that it has support of the E-Fairness Coalition, the National Retail Merchants Federation, the International Mass Retail Association, governors and others with an issue at stake in this. After all, Madam Chairman, the underlying registration, who does it restrict? It restricts the governors, the State legislators, the mayors, the city council members, the county commissioners. It basically says, we are not going to let you make decisions on your own taxes in your own State. That violates the 10th amendment to the Constitution, reserving the rights of the States which do not properly belong to the Federal Government.

This amendment would go a great deal forward in fixing the underlying problems that this legislation attempts to ignore. Madam Chairman, I think that it is hard to imagine how anybody would oppose this. We have certainly worked diligently with the Parliamentarian to make sure that it is in order and within the House rules of germaneness and all of the other rules, and I certainly believe that it is time that we move ahead with its adoption.

Mr. NADLER. Madam Chairman, I rise to strike the last word.

The CHAIRMAN pro tempore. Is the gentleman in opposition?

Mr. NADLER. No, Madam Chairman, I am in support.

The CHAIRMAN pro tempore. Is there a Member in opposition?

Mr. GOODLATTE. Madam Chairman, I rise in opposition.

PARLIAMENTARY INQUIRY

Mr. NADLER. Madam Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. NADLER. When we are under the 5-minute rule, what rule says a Member has to be in support or opposition to be recognized first?

The CHAIRMAN pro tempore. The Chair stated prior to debate on the amendment that the gentleman would speak in support of his amendment for 3 minutes and then the opposition would have 3 minutes.

Mr. NADLER. Madam Chair, I do not recall any such unanimous consent request.

The CHAIRMAN pro tempore. The Chair exercised her discretion to double the time because of the shortness of time remaining under the rule. That is the ruling of the Chair and there is precedent for it.

Mr. NADLER. Madam Chairman, in light of the fact that the other side of the aisle refused a unanimous consent request to have a reasonable limit on debate on the last amendment so that we can have proper time here, and there is no unanimous consent request, I believe that the Chair is not in order in using discretion to impose a time limit like that.

The CHAIRMAN pro tempore. It has been the long-standing practice of the Chair in its discretion to divide the time equally when there is a time limit placed on the bill.

Mr. NADLER. Could the Chair specify the rule that permits that, please, in the absence of unanimous consent.

The CHAIRMAN pro tempore. It is the practice of the Chair under modern recorded precedent.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Madam Chair.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Officially, what time is it now?

The CHAIRMAN pro tempore. There is 1 minute remaining.

Mr. FRANK of Massachusetts. So 1 minute remains to debate, and then the vote. I thank the Chairperson.

□ 1430

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Virginia (Mr. GOODLATTE) is recognized in opposition for the remainder of the time.

Mr. GOODLATTE. Madam Chairman, I rise in strong opposition to this amendment.

Madam Chairman, this is extraneous to the purpose of this bill. This bill is not about sales taxes on the Internet. The gentleman has attempted to craft this in such a way that it does not cover sales taxes, but this is an issue that we have not gotten into.

We have announced that we are going to hold hearings on this. We would love to have the gentleman's participation in the process, but this amendment is not germane to the legislation at hand.

I strongly urge my colleagues not to adopt an amendment which has not been examined or properly debated.

Madam Chairman, I yield back the balance of my time.

Mr. NADLER. Madam Chairman.

The CHAIRMAN pro tempore. The gentleman from New York.

Mr. NADLER. Madam Chairman, the whole point of this debate is that when the Internet Moratorium Act was passed 2½ years ago, the commission was charged with recommending a fair and equitable and nonburdensome way of giving equal taxation for the Internet and non-Internet, insofar as State sales taxes are concerned. This amendment is essential so when we are extending the Internet, whether for 2 years or 5 years, or whether we are extending the moratorium, whether for 2 years or 5 years or permanently, we at least have some basis for saying we are going to look also at the entire question which is intimately associated with this question.

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

Mr. CARDIN. Madam Chairman, yesterday I received a fax in my office from an organization supporting this bill. I expect each member of the House received the same fax.

Across the top of the page, in big, bold letters, the fax read, "NO MORE TAXES! VOTE "YES" ON H.R. 3709."

The text of the message says that the bill is needed because it will "allow Americans to continue to make purchases without overreaching taxes." The problem with the message is that it adds to the confusion and misinformation that surrounds this issue.

Anyone who reads the message would reasonably conclude that the purchases of goods over the Internet are currently exempt from State sales and use taxes, and that the moratorium will prevent the imposition of any taxes on these transactions.

The problem is that all but five states already have taxes on the books that legally apply to purchases made over the Internet. For reasons arising under the 1992 Supreme Court decision in the case Quill v. North Dakota, those taxes are not usually paid or collected. The most important issue considered—but not resolved—by the Advisory Commission on Electronic Commerce, was the question of how to continue the tremendous growth of the Internet as an economic force while assuring a level playing field between different forms of retailers.

With more than 6,500 state and local sales and use tax regimes across the country, there is no question that simplification and uniformity are desperately needed. The massive complexity and inefficiency of the current system imposes an unreasonable burden on the retailers who are required, because they have "physical nexus" in jurisdictions across the country. At the same time, it presents an absurd challenge to on-line or mail order retailers who compete with "brick and mortar" retailers.

There is a growing consensus that the states must develop a simplified tax system, along the lines of the Uniform Commercial Code, that will make compliance feasible. I had the benefit of hearing a full discussion of these issues at a meeting two weeks ago with business leaders, state tax officials, and the chairs of the tax-writing committees in Maryland's State Legislature. Coming out of that meeting, I am convinced that it is in the interest of fairness to all retailers, as well as of the state and local governments which depend on the revenues generated by sales taxes for education and law enforcement, for us to resolve this problem.

The amendment that I have offered with the gentleman from Oklahoma, Mr. ISTOOK, expresses the sense of Congress that the States should develop a streamlined, non-multiple and non-discriminatory tax system. This amendment is a needed expression of our understanding of the need both to protect the crucial revenue sources of the states, as well as to move toward a level playing field between all retailers, regardless of whether they are on-line or in the neighborhood.

We had hoped to include in the amendment language expressing the sense of the Congress that once the states develop such a non-multiple, non-discriminatory tax system, the bar against fair application of the sales taxes presented by the Quill decision would be removed. The language we had hoped to propose would have expressed Congress's finding "that if states adopt the streamlined system . . ., such a system does not place an undue burden on interstate commerce or burden the growth of electronic commerce and related technologies in any material way." Unfortunately, to comply with the germaneness requirements of the House rules, we were forced to drop that language.

I urge support for the amendment as a necessary step in the continuing effort to adjust the existing tax system to reflect the new reality of the Internet economy.

The CHAIRMAN pro tempore. The time for consideration of this bill under the 5-minute rule as established by House Resolution 496 has expired.

The CHAIRMAN pro tempore. The Chair will now put the question on the pending amendment.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The question was taken; and the Chairman pro tempore announced that the ayes appear to have it.

Mr. CHABOT. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 496, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 496, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The second degree amendment offered by Mr. CHABOT of Ohio;

First degree amendment offered by Mr. DELAHUNT of Massachusetts;

Amendment offered by Mr. ISTOOK of Oklahoma.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. CHABOT TO THE AMENDMENT OFFERED BY MR. DELAHUNT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) to the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment to the amendment.

The Clerk designated the amendment to the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 90, noes 336, not voting 8, as follows:

[Roll No. 155]

AYES—90

Aderholt
Barr
Barrett (NE)
Bartlett
Bilbray
Boehner
Bono
Burton
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Crane
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Fletcher
Forbes
Fossella
Franks (NJ)
Goode
Goodlatte
Goodling
Graham
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Horn
Kasich
Kingston
Kuykendall
Linder
Martinez
McCollum
McInnis
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Nethercutt
Packard
Pease
Peterson (PA)
Pitts
Pombo
Radanovich
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Salmon
Scarborough
Schaffer
Sensenbrenner
Shadegg
Shays
Sherwood
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stabenow
Stearns
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Toomey
Upton
Walden
Weldon (FL)
Weller
Wolf

NOES—336

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Shimkus
Shows
Shuster
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spence
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Campbell
Fattah
Kennedy
Lewis (GA)
Lucas (OK)
Meek (FL)
Moran (VA)
Wise

□ 1455

Messrs. SPENCE, OLVER, MCKEON, BERMAN and PICKERING changed their vote from ''aye'' to ''no.''

Messrs. HEFLEY, GOODLATTE, DAVIS of Virginia, PACKARD, BURTON of Indiana, and Ms. MCKINNEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DELAHUNT

The CHAIRMAN pro tempore (Mrs. BIGGERT). The question is on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELAHUNT. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 219, not voting 8, as follows:

[Roll No. 156]

AYES—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
Etheridge
Evans
Farr
Filner
Foley
Ford
Fowler
Frank (MA)
Frost
Ganske
Gephardt
Gillmor
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Latham
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Myrick
Nadler
Napolitano
Neal
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pickett
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Shuster
Skelton
Slaughter
Snyder
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Turner
Udall (CO)

Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Whitfield
Wilson
Woolsey
Wynn

NOES—219

Aderholt
Archer
Armey
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
English
Eshoo
Everett
Ewing
Fletcher
Forbes
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Gejdenson
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jefferson
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
LaTourette
Lazio
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Morella
Murtha
Nethercutt
Northup
Norwood
Ose
Oxley
Packard
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rivers
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Towns
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—8

Bachus
Campbell
Fattah
Gekas
Lucas (OK)
Meek (FL)
Moran (VA)
Wise

□ 1504

Mr. SIMPSON, Mr. HILLIARD, and Mrs. McCARTHY of New York changed their vote from ''aye'' to ''no''.

Mr. ABERCROMBIE and Mr. EDWARDS changed their vote from ''no'' to ''aye''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN pro tempore (Mrs. BIGGERT). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 289, noes 138, not voting 7, as follows:

[Roll No. 157]

AYES—289

Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Foley
Ford
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gonzalez
Gordon
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Sherman
Shimkus
Shows
Shuster
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wicker
Wilson
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—138

Abercrombie
Archer
Armey
Barr
Bartlett
Bass
Biggert
Bilbray
Bliley
Blunt
Boehner
Bonilla
Bono
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Chabot
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doggett
Doolittle
Dreier
Ehrlich
English
Everett
Fletcher
Forbes
Fossella
Franks (NJ)
Frelinghuysen
Gekas
Gibbons
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutierrez
Gutknecht
Hansen
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Horn
Houghton
Hunter
Inslee
Johnson, Sam
Kaptur
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
Lazio
Levin
Linder
Lipinski
LoBiondo
Lofgren
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Northup
Oxley
Packard
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Reynolds
Rogan
Rohrabacher
Roukema
Royce
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Simpson
Skeen
Smith (NJ)
Smith (TX)
Stearns
Strickland
Stump
Sununu
Tancredo
Tauzin
Terry
Thornberry
Tiahrt
Toomey
Upton
Walden
Weldon (FL)
Weller
Whitfield
Wolf

NOT VOTING—7

Campbell
Fattah
Lucas (OK)
Meek (FL)
Moran (VA)
Stark
Wise

□ 1512

Mr. DICKEY changed his vote from ''aye'' to ''no''.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. LEVIN. Madam chairman, on rollcall No. 157, the Istook Amendment, I unintentionally cast my vote as ''no'' when I intended to vote ''aye.''

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mrs. BIGGERT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet, pursuant to House Resolution 496, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1515

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. GILLMOR). Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, sir.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith with the following amendment:

Page 2, line 15, strike ''**5-YEAR**'' and insert ''**2-YEAR**''.

Page 2, line 23, strike ''2006'' and insert ''2003''.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes on his motion to recommit.

Mr. CONYERS. Mr. Speaker, this is a motion to recommit, which is a very simple solution to the Delahunt amendment, which was nearly accepted by eight votes a few minutes ago.

My motion would extend the present moratorium on Internet access taxes and multiple discriminatory taxes for 2 years, from 2001 to 2003, but would eliminate the grandfathering of State access taxes, unlike that which was in the Delahunt amendment, which just recently failed.

By taking the grandfathering out, my colleagues, I suggest that we have an excellent conclusion to a very difficult problem; namely, to continue to work on this not for 6 or 7 years, but for only 2 years, and to eliminate the grandfathering of the State access taxes that were included in the Delahunt amendment, which many of us supported.

I urge that we support this motion to recommit, because I think it will marry the best of both of these provisions.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York, the ranking subcommittee member on the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, the central question of this bill is twofold: One, will we protect the Internet from multiple and discriminatory taxes? And I think we all agree the answer is we must do that. And, two, will we set it up in such a way that the States will not be prevented from levying appropriate but nondiscriminatory and nonburdensome sales taxes on transactions over the Internet so that the tax bases are not destroyed, and so that all the local malls and stores are not discriminated against?

A 2-year moratorium gives us the time to work that out without allowing practices to become so set that it is impossible to deal with that question later. So that is why we ought to adopt this motion to recommit for 2 years. And unlike the previous 2-year amendment, it does not grandfather in those multiple taxes in certain States.

So for a 2-year moratorium to deal with these questions and help small businesses all over the country, my colleagues should vote for this recommittal motion.

Mr. CONYERS. Reclaiming my time, Mr. Speaker, I tell my colleagues that we cannot stop the information highway progress by hobbling it with taxes. Our proposal would reach the support of the governors of the labor movement, of the retailers, of the small business people who cannot wait for 6 or 7 years.

Support this motion to recommit, which would limit the moratorium to 2 years and eliminate the grandfathering provision.

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding to me, and I think everyone should be clear, Mr. Speaker. Previously we voted on the Delahunt amendment. It was two things in one. It was changing the 5-year moratorium to 2 years, and it was eliminating the, and I guess it is a double negative, it was eliminating the elimination of the grandfather clause. But what we have now in the motion to recommit is one thing and only one thing. It changes the proposed 5-year additional moratorium to 2 years.

So, instead of a moratorium that expires in October of 2006, it will be a moratorium that expires in October of 2003. That is the issue.

Certainly with the speed at which knowledge advances and the Internet progresses, to think we could hide our heads in the sand for 5 years, on top of the next year and a half, I do not think is realistic and I do not think it is responsible. So I certainly urge people to do the commonsense thing.

We wanted to offer this amendment on the floor, but time limits did not let us do so. This simply says not a 5-year moratorium, only 2. We need to bring consensus together, bring the governors together, the retailers, and all the key people involved with a consensus, with renewing a moratorium in a responsible way.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I want to assure my colleagues that as soon as I talk to the chairman of this committee, as ranking member, the Committee on the Judiciary will be ready to move forward with expedited speed, as I look at the gentleman from Illinois (Mr. HYDE), who is nodding his head in agreement.

Mr. Speaker, I urge the Members to support the recommit motion.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I urge my colleagues to oppose this motion to recommit. It was just mentioned on the other side that we are all going to have the opportunity, and it is a great opportunity to vote against new and discriminatory taxes on the Internet, to vote against taxes on access to the Internet, one of the most regressive taxes there is because everybody pays the same amount no matter what their income is.

If that is the case, why would we vote to only make that provision for 2 more years instead of for 5 more years? It is important to understand this has absolutely nothing to do with the sales tax. The sales tax is a separate debate. We will have the opportunity to have hearings on it and debate it. This is an issue about discriminatory taxes on the Internet, taxes that appear on people's phone bills and other bills that get them on the Internet, and we should avail ourselves of the opportunity to keep it at 5 years.

Those who voted for the Delahunt amendment earlier because they were concerned about their grandfathering, can now join us in voting against this motion to recommit because the grandfathering is left eliminated, as it was in the original bill, which is the way it should be. This should be equally and fairly applied to everyone.

So we have the opportunity today to send a message to the American people that we do not want to tax children's opportunity to be educated on the Internet, people's opportunity to shop

on the Internet. This is what this is about, not the sales tax issue.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from California.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding to me.

As the author of the legislation, along with Democratic Senator RON WYDEN, in the other body, I just want to underscore what the gentleman from Virginia (Mr. GOODLATTE) has said. There are only two points that need to be made so that we can vote on this motion to recommit.

The first is, as the gentleman from Virginia pointed out, that nothing in the motion to recommit, nothing in the amendments that we have adopted, nothing in the underlying legislation, and nothing in the Cox-Wyden moratorium that we are extending here has anything to do with sales taxes. The ban on multiple taxes, the ban on discriminatory taxes in the current moratorium is what we are talking about extending here.

In my view, we ought not to have any taxes on Internet access because we are trying to deal with the digital divide, and that ban should be permanent. In addition, multiple taxes, taxes by two States on the same commerce, ought to be banned indefinitely. And, likewise, also discriminatory taxes that would target the Internet but not off-line commerce. That is all this legislation is about.

The reason that we are having this debate at all is that people want to take this perfectly good bill hostage so that they can get a debate on a different subject, Internet sales taxes. I remember the cover of National Lampoon some years back where they had this cute little puppy with a pistol to its head, and it said, ''Buy this magazine or we'll shoot this dog.'' It was a macabre example of the dark humor of the editors of National Lampoon, but a good illustration of what is going on here. We should not take this perfectly good Internet moratorium hostage for our separate debate on sales taxes.

The 5 years is already a compromise. Let us go with that compromise, as we have earlier, so that we can move forward and provide certainty to the participants in the new economy that there will not be discriminatory and multiple taxes on the Internet.

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, in a few minutes, we will have the opportunity to all join together and vote for final passage of this legislation, which will do a great thing for the American taxpayers. In the meantime, I would urge my colleagues to vote against this motion to recommit.

□ 1530

Let us not miss the opportunity to keep these access charges, these regressive charges. We talk about the digital divide. This is the kind of thing that keeps a lower-income person off of the Internet, these kind of taxes on access to the Internet.

That is what this is about. It is not about the sales tax. That is to be saved for another day, and we are going to take that up and hold hearings on it in the Committee on the Judiciary soon. This is about another issue that we ought to join together and pass and send to the American people a message that we want them all on the Internet, we want them all availing themselves of these new opportunities in the Information Age and no one should be left out because of discriminatory taxes, because of multiplicitous taxes or because of taxes on access to the Internet.

I urge my colleagues to reject the motion to recommit and join with me in supporting final passage of this legislation.

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 177, noes 250, not voting 7, as follows:

[Roll No. 158]

AYES—177

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Ganske
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Istook
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Snyder
Spratt
Stark
Stenholm
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Velazquez
Vento
Visclosky
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weygand
Woolsey
Wu
Wynn

NOES—250

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney

Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Campbell
Fattah
Linder
Lucas (OK)
Meek (FL)
Moran (VA)
Wise

□ 1548

Mr. LEWIS of Kentucky changed his vote from ''aye'' to ''no.''

Mr. HALL of Ohio changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 75, not voting 7, as follows:

[Roll No. 159]

AYES—352

Ackerman
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Morella
Murtha
Myrick
Nadler
Napolitano
Northup
Norwood
Nussle
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—75

Abercrombie
Allen
Baird
Baldwin
Bentsen
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (OH)
Capuano
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Danner
Davis (IL)
Delahunt
Frank (MA)
Ganske
Gordon
Hall (TX)
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
Kucinich
LaFalce
LaHood
Lee
Levin
Lipinski
Markey
Matsui
McCarthy (MO)
McDermott
Miller, George
Minge
Moore
Moran (KS)
Neal
Ney
Oberstar
Obey
Olver
Paul
Payne
Peterson (MN)
Porter
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Schakowsky
Scott
Shuster
Slaughter
Snyder
Spratt
Stark
Stenholm
Thune
Tierney
Vento
Watt (NC)

NOT VOTING—7

Campbell
Fattah
Lucas (OK)
Meek (FL)
Moran (VA)
Nethercutt
Wise

□ 1602

Messrs. HASTINGS of Florida, GEORGE MILLER of California, BENTSEN and MINGE changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act; and for other purposes.''.

A motion to reconsider is laid upon the table.

PROVIDING FOR CONSIDERATION OF H.R. 701, CONSERVATION AND REINVESTMENT ACT OF 1999

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 497 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 497

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 4377. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1)

postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, H. Res. 497 is a structured rule waiving all points of order against the consideration of H.R. 701, the Conservation and Reinvestment Act of 1999.

The rule provides 90 minutes of general debate, equally divided between the chairman and ranking minority member of the Committee on Resources. The rule makes in order the text of H.R. 4377 as an original bill for the purpose of amendment in lieu of the amendment in the nature of a substitute now printed in the bill, which shall be considered as read. All points of order against the amendment in the nature of a substitute are waived.

The rule makes in order only those amendments printed in the Committee on Rules report accompanying this resolution.

The rule further provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, and shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived.

In addition, the rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the Conservation and Reinvestment Act of 2000 creates a mechanism by which the funds from Outer Continental Shelf oil and gas leases are made available for offshore drilling mitigation, land purchases, historic preservation, wildlife conservation and endangered species recovery at the State, Federal and local levels.

The Conservation and Reinvestment Act provides annual funding of $1 billion to coastal States to mitigate the impacts of offshore drilling, $900 million for the Land and Water Conservation Fund, which is its fully authorized level, $350 million through existing Pittman-Robertson and Dingell-Johnson programs for wildlife conservation, $125 million for urban parks; $100 million for historic preservation; $200 million for the restoration and improvement of Federal and tribal lands, $150 million to protect farmland and promote the recovery of endangered species through the purchase of conservation easements; and it makes available up to $200 million in interest generated by these revenues to match appropriated funds for payments in lieu of taxes and refugee revenue sharing.

While providing substantial funds for additional Federal land acquisition, the bill also requires for the first time that Congress specifically approve each new Federal land acquisition. The bill also includes a number of important new private property protections, including a requirement that all purchases, pursuant to the provisions of this act, be made from willing sellers.

The Congressional Budget Office estimates that this bill will result in a $7.8 billion increase in direct spending through 2005. An additional $3.7 billion in discretionary spending is authorized over the same period, subject to appropriations.

Mr. Speaker, this is a fair rule that makes in order 26 separate amendments in order that Members who have concerns about H.R. 701 might have an opportunity to improve it. Accordingly, I encourage my colleagues to support this rule.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, we have an extraordinary measure before us today. The Conservation and Reinvestment Act, CARA, H.R. 701, is the most sweeping commitment to the protection of America's public land, marine and wildlife resources in over a generation. Utilizing the proceeds from offshore oil and gas development, this measure will provide steady funding for the preservation of our natural resources for decades to come. These offshore revenues were promised for this objective 36 years ago, and this bill fulfills and builds on that commitment.

Mr. Speaker, this has been a critical program for many areas of the country. In just a few years' time, from the late 1970s, early 1980, my district in Monroe County received over $2 million for recreational areas, neighborhood parks and historic preservation. Today, more than ever, our Nation's natural resources are under enormous pressure from development, congestion, pollution and competition. Communities like Rochester, New York, are fighting to preserve the open spaces that exist. I am delighted that my district will once again have the tools to preserve our community for future generations.

Mr. Speaker, H.R. 701 provides Federal, State and local communities the ability to work cooperatively with private organizations and citizens to preserve these resources for the future. This legislation contains no incentives for additional offshore oil development. Supporters have built a nationwide coalition ranging from State and local officials, sporting organizations, environmental groups, wildlife and recreation organizations, historic preservationists, professional sports teams, police, and many, many more. Mr. Speaker, 316 Members of Congress, of the House, are sponsoring this measure, and I am proud to be one of them.

Mr. Speaker, H.R. 701 includes many environmental goals my colleagues and I have worked towards for years, including full and permanent funding of the Land and Water Conservation Fund, increasing funding for State fish and wildlife programs, increased incentives to conserve endangered species by private landowners, and increased support for coastal conservation programs.

The San Francisco Chronicle said it best when it urged Congress to ''reclaim this opportunity to enhance the Nation's quality of life. It is past time for Washington to live up to the bargain with the American people and their natural resources that Congress made in 1964. The Miller-Young bill would do just that. The House would accept no substitutes or weakening amendments, and a deal is a deal, and the Land and Water Conservation Fund is a particularly good one.'' That is a quote from the San Francisco Chronicle, May 8, 2000.

Mr. Speaker, the rule before us today is a structured rule, and while the rule makes in order numerous amendments, it still restricts full and open debate. An open rule would have allowed Members the opportunity to consider all germane amendments, but nevertheless, I will not oppose this rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA), the

chairman of the distinguished Subcommittee on Interior of the Committee on Appropriations.

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

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me the time. I am in opposition to the rule because I do not think this is the kind of legislation we should be considering for a number of reasons. First of all because it creates a new entitlement program.

□ 1615

We are elected by the people to make judgments. We are elected to take the revenues that are available to the Federal government and make priority judgments as to how best to use those revenues. An entitlement takes away the responsibility that is ours as elected representatives of the people.

I recognize that the proponents have amended—changed—the bill because originally it waived the Budget Act. Now it does not. Nevertheless, it takes $2.825 billion and deposits into a new CARA fund. It does that regardless of any other needs we might have. It does this for a period of 15 years. This body would no longer be able to make priority decisions in terms of that particular amount of money for coastal protection, State and Federal land acquisition, urban park funding, historic preservation, and monitoring and protection of species under the Endangered Species Act.

We have to decide whether we want to go down the path of continuing to create entitlements. We fund a number of these programs, but when we look at the Federal budget, we are only dealing now with about one-third of it as discretionary funds. About half of that goes to defense. So we are left with one-sixth of the Federal budget to meet all these needs: to properly maintain and expand, when appropriate, our 379 National Parks, our National Forests; our national wildlife refuges; our other lands, about one-third of the United States.

That is just part of it. The Bureau of Indian Affairs is a responsibility of this body. The facilities, schools, hospitals are deteriorating. But we are going to take this money out of the budget of the Committee on the Interior and commit it to the States.

Every State has a surplus. The State of California has a $3 billion surplus. The State of Alaska has a $3 billion surplus. In Ohio, there was a news story the other day that they are contemplating reducing taxes. The State of New York is enjoying a very substantial surplus. I could go on and on.

Yet, by the testimony of Secretary Babbitt, by the testimony of the director, Bob Stanton, by the testimony of the Secretary of the Smithsonian and other agencies, we are faced with a bill for backlog maintenance of anywhere from $13 billion to $18 billion. That means we have neglected taking care of these properties. Yet, here we propose to create a new entitlement to reduce the amount of discretionary funds that we have.

We have not neglected these programs in the Interior bill. We have put in $300 million to $400 million in Federal land acquisition, $40 million in State land acquisition, and other programs, such as urban parks and endangered species. But with the amount of backlog that we are facing, I think it is not a good government matter to take $2.8 billion and take it off-budget, in effect, by making an entitlement of it.

Of this amount, about $2.4 billion of the CARA fund would go directly to the States. Let me point out something that is not well known. Under the present law, States receive about $1.7 billion of money that is generated by Federal leases, by Federal activities such as harvesting of forests, such as the various mining interests that take place on Federal lands and other activities. We already distribute to the States $1.7 billion, yet the CARA bill would give them an additional $2.4 billion, while we sit with all this backlogged maintenance.

The end result is to take the Congress out of the decision-making process for funding natural resources programs, and it would certainly create a lot of problems in the future.

Most of all, I think the principle that is involved here is wrong. It is wrong to continue to expand entitlement programs. Next year it will be some other group that says, we should have a guaranteed revenue stream, and it goes on and on. Already we have a very limited amount of the Federal budget that we have available to meet the responsibilities that we are elected to meet in terms of the natural resources of this Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, I, like the previous speaker, rise in strong opposition to the rule on the Conservation and Reinvestment Act of 1999 because it allows the continuation of the pattern of fiscally irresponsible legislation that will squander our opportunity to retire the national debt and deal with social security and Medicare.

The legislation that this rule will allow is the latest in the series of bills that will drain the projected budget surplus drip by drip without regard for the consequences.

In setting national priorities, Congress has the responsibility to carefully assess each program. Creating a new Conservation and Reinvestment Act fund with a mandatory spending stream will exempt these funds from the scrutiny that all other programs must endure. This would further erode the integrity of the budget as a tool for fiscal accountability and constrain the options of future policymakers by locking in an ever-increasing share of Federal spending.

According to the Congressional Budget Office, H.R. 701 would increase mandatory spending by $7.8 billion over the next 5 years without offsets, as required by budget rules. As a result, the spending in this bill places yet another claim on the projected budget surplus before we have established a plan to pay off our debt and deal with the challenges facing social security and Medicare.

Despite all this, the rule for this legislation casually waives the Budget Act to allow us to rush forward with fiscally irresponsible tax and spending legislation. Regardless of one's views of the merits of the provisions in the bill, all Members who care about fiscal responsibility should oppose this rule, oppose this legislation, vote no on the rule, and let us stay on track for protecting social security, paying down our national debt, and maintaining a fiscally sound direction for our country.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I have a well written statement here that will be submitted for the RECORD. But in light of the time, I would like to suggest that this is a fair and good rule. It allows 27 amendments which will be adequately discussed and I am sure will be voted on.

This is a great piece of legislation, bipartisanly supported by 316 cosponsors. It is on budget, it is not off-budget, contrary to someone who just reported it is off budget. We have over 4,000 groups in this Nation of ours who support this legislation.

The rule is fair. We are going to have a long night tonight and a long day tomorrow, but I would like to see us out of here in time for everybody to catch their planes back home. I am going to try my best as manager of the bill on this side of the aisle to make sure that does happen.

I urge the adoption of the rule and adoption of this historic legislation.

Mr. Speaker, I would like to begin by thanking the House leadership for bringing this bipartisan bill to the floor. H.R. 701, the Conservation and Reinvestment Act of 1999 (CARA) is a seven-title comprehensive conservation and recreation bill that has endured a long legislative life.

CARA was first introduced in the House in the 105th Congress. Since CARA's reintroduction this Congress, the Resources Committee has had five days of legislative hearings on H.R. 701 and our consideration ended with a bipartisan vote of 37–12 to favorably report the bill out of Committee. Since then, two referrals have lapsed.

The Agricultural Committee's referral resulted in substantial changes regarding what agency would administer the conservation

easement program created in Title Seven. In addition, due to several Budget Committee Member's concerns, we have removed the provisions that made CARA off-budget.

In our opinion, an on-budget CARA allows the critical funding to occur on an annual basis, but allows for this important priority to be included as part of future budgets.

The coalition of Members that support this initiative have always worked to find consensus and continue the bipartisan spirit upon which this bill was created. The changes we have made accommodate many Member's concerns and has resulted in the broadening of our support. The manager's amendment represents a fair compromise with Congressmen BOEHLERT, MARKEY, and PALLONE that addresses some remaining concerns and put to rest the notion CARA would create incentives for new oil and gas drilling.

However, with the consensus building and after more than two years of CARA's legislative development, we can only go so far. Today, we will discuss over twenty amendments. Most of these amendments are offered by well-intentioned Members, but many amendments are offered by those who choose not to understand this bill.

I continue to feel a great deal of frustration at the fact that many of the arguments we are likely to hear today have little to no basis in fact and, quite frankly, many of these amendments are solutions in search of a problem. Members involved with the legislation and the Resources Committee have repeatedly negotiated on many of these topics and arrived at the consensus agreement under consideration today.

I am confident that many of the authors of these amendments have no intention on voting for this historic bill, regardless of whether or not their amendments pass or fail. With that fact in mind, I ask all Members to vote with the coalition that support the House's approval of CARA and vote against these damaging amendments. If we allow damaging amendments today, it will be a great disservice to the communities who stand to benefit from the bill and those Members who have labored to produce this balance.

The fact is the Conservation and Reinvestment Act is a great bipartisan bill that provides critical funding for local conservation and recreation projects. Whether you live in rural Oklahoma or urban New York, this bill provides substantial benefits. That is why you find support spread across the Nation with all our governors, a majority of county leaders and mayors joined by the U.S. Chamber, Realtors, and countless conservation organizations. With 316 cosponsors, a super-majority of this House, a majority of both Republicans and Democrats support enactment of this legislation.

These Members and the constituents they represent have read the bill carefully and have considered the provision within. With this broad coalition assembled, I ask that we not allow meritless amendments written only to divide this diverse National coalition. As the House considers these amendments Members need to be aware of the impressive local grassroots support this bill realizes. CARA is a historic opportunity to provide annual funding for important conservation and recreation programs.

I again want to thank the House leadership, who have given us the opportunity to rally around this widely supported bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, as a member of the Committee on Resources, I rise today in support of the rule. I thank the Committee on Rules and the chairman of the committee for accepting my amendment in the spirit and understanding in which it is offered.

I rise in strong support of H.R. 701, the Conservation and Reinvestment Act. The Conservation and Reinvestment Act will dramatically increase funding for Federal, State, and local conservation efforts in all 50 States.

In my home State of Wisconsin, a very proud and progressive history has been established regarding land stewardship. Land conservation programs and the protection of the environment are not a part-time casual interest in Wisconsin. Instead, bipartisan governmental leaders, from former Democratic Senator Gaylord Nelson, the father of Earth Day, to former Republican Governor Warren Knowles, have been national leaders in the environmental and conservation movement.

Two of the great founders of the conservation movement, Aldo Leopold and John Muir, called Wisconsin their home. It was in Vernon County, in my congressional district, in an effort to preserve and protect precious topsoil on farms, that farmers initiated contour plowing, which provided a wonderful model across the Nation.

Throughout our history, the citizens of Wisconsin have been responsible stewards who have sought to conserve and expand on our extensive investments and recreational and environmental resources. While I still hope that this legislation will ultimately provide Wisconsin and some of the other upper Midwest States with a more equitable share of the Title I funding, this bill nevertheless is a good start to help restore imperiled species, conserve wild places, maintain recreational access, and educate our children about the wonders of our natural world.

I urge today support of the rule. Depending upon the amendment process as this legislation moves forward over the next couple of days, I also urge passage of H.R. 701.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of this rule. As cochairman of the congressional Sportsman's Caucus, I am very supportive of the base text of this measure. I have testified before the Committee on Resources.

I want to commend my friend, the gentleman from Alaska (Mr. YOUNG), who I think has done a very admirable job of getting a consensus of people, both inside and outside the House, together on this very important piece of legislation that covers so many areas of the outdoors and is going to be so beneficial to so many people. The gentleman has just done a great job of this, and I commend him on that.

As vice chairman of the House Committee on the Budget, honestly, though, I have some observations about the level of the mandatory spending that has been set on this bill. I have an amendment that is going to be coming up later tonight or tomorrow that will address that issue and I hope will receive broad-based support.

As cochairman of the Congressional Sportsman's Caucus, I am very supportive of this bill. This bill is going to give our State fish and wildlife agencies the resources to adequately address their wildlife conservation funding problems.

I am specifically talking about title III of the bill of the gentleman from Alaska (Chairman YOUNG) which is the section that deals with wildlife conservation and restoration. Folks all around the country are going to benefit from this because it does provide a steady, dependable stream of revenue that is going to help fund both game and nongame wildlife conservation programs and, more importantly, or just as importantly, it is going to provide the States with the flexibility to tailor their programs to their particular needs.

It is not going to make any difference whether one likes to hunt and fish, whether they hike or bike on trails, whether they bird watch, or whether they are concerned about the coastal regions of this country. This bill is going to provide our States with revenue and flexibility to make decisions, to tailor the needs of their States and the individuals in their States in those areas, as well as many other areas.

One of the most exciting parts of this bill that I have been working on with the gentleman from Alaska (Chairman YOUNG) is the wildlife associated education portion of the bill. We need to ensure that our future generations are educated about wildlife, and recognize that hunting and fishing are valuable management tools.

One of the great pleasures I get in life is hunting. I hunt with my son, and I hunt with my son-in-law. My grandson is 4 years old, and I hope one of these days that he is going to be able to enjoy the outdoors with me. We have to continue to educate people all across the country about the value of wildlife-associated education.

I appreciate the gentleman from Alaska (Mr. YOUNG) incorporating some language that we asked to be incorporated that will protect wildlife education funds from being used by programs that oppose hunting and fishing. Helping replenish renewable sources with funds derived from nonrenewable resources is simply good policy. CARA accomplishes this without raising taxes by one single penny.

Mr. Speaker, I urge support of this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman yielding time to me.

Mr. Speaker, as a person who came to Congress interested in support for the Federal government being a better partner to work to make communities more livable, I am exceedingly pleased that this bill is before us today. It is an important restatement, a recommitment, after 35 years of partnership that is frayed lately, of the trust fund concept; for example, the lands and water conservation fund and UPAR, which have not been funded on the State side since 1995.

It will have key impacts in Oregon, the State that I represent, and in communities around the Nation. It means creating long-term investments that will create value for generations to come.

□ 1630

I plan on speaking on the merits of this bill and a number of amendments as we proceed in the course of this debate. But I would like to make one brief comment because, as a Member here for the last 4 years, it seems to me we have occasionally lost our ability to legislate, to work together, to cross party, regional, and ideological lines.

Mr. Speaker, I think this is important legislation not just as a tool for livable communities, but it is one of the clearest signals I have seen that we can send to one another in Congress that we can play the historic important role of debating, of listening to one another, of compromising and making decisions. I hope it sets the tone for bipartisan cooperation and progress for the remainder of this Congress.

Mr. Speaker, I look forward to supporting the rule and the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 6 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE), who has worked diligently in her time in Congress on these issues.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me this time.

Mr. Speaker, I rise today in strong opposition to H.R. 701. I will support the rule, but I want to make it very clear that I admire the ability of the gentleman from Alaska (Mr. YOUNG) to work across party lines, and I think it is important to be able to agree with one another and work together, but not at the expense of our constituents out there, our private property owners. I am deeply concerned about our private property owners.

Mr. Speaker, I have carefully read and studied this legislation, looking at not only its actual language but how it will be interpreted and implemented in the future by the Federal agencies. See, sad experience has proven that well-intentioned laws have had their purposes twisted and even tortured by a Federal Government that seems to be hungry for more power and control over the resources and lives of our citizens.

Mr. Speaker, I would strongly urge my colleagues, even those who have joined as cosponsors of this bill, to read and study very carefully this bill. Consider its real impacts not on this body, but on the people of this Nation. Consider what this legislation will do to our ability to control the pursestrings, our ability as a Congress, our sacred responsibility under the Constitution.

It does leave only $1.6 billion on budget, but it does take $2 billion off budget to become mandatory spending. $2 billion is a huge amount of money. So consider where this legislation will truly take us and what kinds of precedents it will set in terms of additional mandatory trust funds taken from general revenue streams. Consider what it will do to our fiscal priorities such as paying down our debt and shoring up Social Security, building up our national defense, and providing tax relief.

Mr. Speaker, we are fully aware of the thousands of organizations and entities, including Federal, State and local bureaucracies and nongovernment groups and Indian tribes, who will monetarily benefit from this bill. Indeed, this legislation will establish a permanent revenue source for these entities, much of which will bypass the congressional budgeting process for years and years to come.

So for that reason, legions of representatives and lobbyists have canvassed this Hill to promote this mandatory fund and, quite frankly, I do not blame them. CARA represents a pot of gold at the end of the rainbow for them.

But, Mr. Speaker, along with the litany of well-represented special interest groups who support this legislation, somebody needs to represent the interests of the main target of this bill, and that is, the private property owner. I am reminded that next year, along with all of our constituents, I, too, will be a regular working person and property owner living under the laws of this Congress. I think that sometimes with all the lobbying, pressuring and inside games that go on here, we forget that the laws we pass truly affect the people we serve. One small provision passed in return for a political favor can destroy the life's work of many people.

Our vote should reflect this possibility more than anything else. So the fact of the matter is, Mr. Speaker, the very foundation of our Nation was built from individual liberty derived in part from the ability to own and produce from one's own property.

In contrast, the legacy and prosperity of this Nation was never created by the Federal, State or even local government, and this is why John Adams proclaimed very clearly that property must be sacred or that liberty cannot exist. He also said that there must be a form of law to protect private property.

We are not only doing violation to that form of law that John Adams referred to, but violation to the rights of private property with this bill. That is what this debate is all about, Mr. Speaker.

So when considering how to vote on CARA, Mr. Speaker, I ask my colleagues, please, consider the views of the average taxpayer who will end up paying for this bill.

I would like to just share with my colleagues some of the results of a survey conducted in a poll just recently. When asked about land acquisition and park creation, it came out to be a very low priority, more land acquisition. Only 1 percent of the people really wanted to see this kind of bill. But by a margin of six to one, 80 percent to 12 percent, voters wanted us to address our maintenance backlog of $5 billion before acquiring additional lands.

Once the American people learn that the Federal Government already owns in excess of one-third of the land in this Nation, or all of the government owns about 43 percent, they oppose additional land acquisition by a wide margin of 53 percent to 34 percent.

Voters oppose any proposal that works to take money away from Social Security and debt reduction by a 72 percent margin to only 13 percent.

Mr. Speaker, not only does the clear language in this bill threaten private property rights, but the American people really are not thinking in the same manner as this bill would represent.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I want to commend the Committee on Rules for the rule that they have reported on this legislation. I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I think it will provide a fair and open debate on the Conservation and Reinvestment Act, H.R. 701, that is before us today.

This legislation is really about redeeming a promise that the Congress of the United States made to the American people 36 years ago. We said as a trade-off for drilling offshore, for some of the environmental damage that occurred from time to time, we would take a portion of those royalties that this Nation receives from the offshore oil that belongs to all of the people of this Nation and we would reinvest them in America's irreplaceable resources. That would be the trade-off.

We did that and we started to do that, and then little by little, little by little Congress started dipping into the fund. They started dipping into the fund for other reasons for whatever it

was, just as they were dipping into the Social Security Fund, just as they were dipping into the Highway Trust Fund. This is now about redeeming that fund and saying let us go back, not by raising taxes, but by recapturing that money that comes in year after year from offshore oil and use a portion of it to protect and conserve America's resources.

That is why we have this kind of list of sponsors and cosponsors. Thousands of organizations from all across the country who support this legislation. Some will call them special interests, but if we read the list we will see our governors, our mayors. We will see our next door neighbors. We will see the soccer moms of the Soccer Federation. We will see the Pop Warner coaches and the people who play Pop Warner Football. We will see the Campfire Girls and the Boy Scouts; people who go out and recreate, who understand the pressure of the resources are under in this Nation.

This is about our communities. This legislation is about building an environmental infrastructure so people can enjoy a quality of life as our country continues to grow, the pressures of suburbia, the pressures of new housing developments, the pressure of new growth and formation of families so that they can have bike trails and hiking trails, so they can explore the water fronts in our bays and rivers and on the oceans of this country.

We know the backlog. We know the lost opportunities. This is about making sure that we do not lose those opportunities in the future.

But we also make very sure that local communities are involved in these decisions, because they will have to match the money that is put up. And we also make very sure that we as elected representatives are involved in this decision, because this is designed so we do not have land acquisitions put in bills in the middle of the night that we do not know anything about and then just are sprung on the public. Because of the insistence of the gentleman from California (Mr. POMBO) and others, there is notifications in here. There is a recommitment recognizing what a taking meanings and the implications of that and that they have to have the approval of the Congress. They cannot do those things that are not authorized by the Congress of the United States.

Mr. Speaker, this is a balanced bill. It is an important bill. I think we have to understand that this is about making the Federal Government a better partner, and a reliable partner. We were supposed to be funding land and water conservation all of these years for our local communities. They have lost out on hundreds of millions and billions of dollars because one day we just stopped funding it, and took the money and did something else with it. That is not the promise we made to the people of this country.

So I would hope as we listen to the debate, we will have many amendments that my colleagues will understand the kind of legislation that CARA represents, its bipartisan nature. It has the support of 50 governors, the support of local government that we say we want involved in these organizations, and then thousands of citizen organizations that every year put up their own money and put up their own effort to clean up the beaches, to clean up the rivers, to build trails, to build ball fields, to provide recreational opportunity. This is to help them continue to do that.

That is why the Police Athletic League supports it. That is why the Boys Clubs and Girls Clubs, the sporting goods manufacturers, many other business organizations support this effort. They recognize this is about our communities. This is about the quality of life for our families, so we will have a place to take our son or daughter fishing, so we have a place to take our son or daughter hunting, so those places will be preserved and also the habitat will be preserved so that we can continue to do that in perpetuity.

Mr. Speaker, that is why organizations like BASS, the biggest organization of bass fishermen throughout this country, supports this effort, or Ducks Unlimited, because they know what it means if we can restore habitat, if we can provide good waterways, if we can provide refuges, that is the kind of organizations that are here surrounding this bill.

I would hope that all of our Members, all 316 people and more who are cosponsoring this bill, would recognize the kind of commitment. Because we know from data taken from polling of the American people, some 80 percent, over 80 percent of the people believe that America should be making these long-term investments in our physical heritage in the great environmental assets of this Nation.

Mr. GOSS. Mr. Speaker, I rise in strong support of this fair and balanced rule, which will ensure full debate on this bill. There was quite a bit of Member interest in this particular piece of legislation and the Rules Committee worked hard to ensure that Members had ample opportunity to debate a wide range of issues and offer amendments. The rule strikes a fair balance and I encourage its adoption.

Mr. Speaker, H.R. 701, the "CARA" bill, provides dedicated funding for coastal impact assistance, land acquisition needs, wildlife conservation, urban parks, historic preservation and endangered species, all without providing incentives for future offshore oil drilling. H.R. 701 is one of the most significant conservation bills to come out of Congress in decades—and it represents the continued commitment of the current majority in Congress to responsible stewardship of our natural resources.

Mr. Speaker, while I look forward to the amendment process, I do want to speak very quickly about an amendment offered by my friend, Chairman REGULA. This amendment would prohibit funds in the bill from going to States that have moratoria on outer continental shelf (OCS) oil and gas leasing.

For the last decade and a half, the Florida delegation has worked diligently and successfully to include annually in the Interior appropriations bill a moratorium on further oil and gas leases off the Florida coast. Just about everybody in Florida remains concerned about the effects of oil drilling on our sensitive marine environment. While the annual moratorium provides a stop-gap solution to this issue, it is far from ideal and actually shortchanges all parties involved. In fact, every Member of the Florida delegation has cosponsored bipartisan legislation introduced to impose a permanent policy for Florida offshore oil drilling. H.R. 33 would call for a "time-out" period, during which a joint State-Federal commission of scientists and other interested parties would work to craft a non-political, science-based decision as to which areas are appropriate for oil drilling under what conditions off the Florida coast.

Even with the support of the entire Florida delegation, civic and business groups across Florida, and current Governor Jeb Bush and his predecessor, Governor Lawton, Chiles, we have been unable to get more than a few hearings on H.R. 33 in the Resources Committee. So, we are forced to continue advocating the stop-gap annual moratorium. Florida seeks merely to be a wise steward of its natural resoruces, ensuring that any activity off our coast does not adversely affect our unique environment.

Chairman REGULA's amendment would deny Florida funding under this bill because of that moratorium. I do agree with the basic premise of his argument—the moratorium which he carries for us each year on the Interior bill is not the best solution to this issue. But I do not believe that the solution is to lift the ban and move forward on oil activity off the Florida coast absent the kind of science based approach outlined in H.R. 33. Nor do I believe Florida should be punished for trying to be a good steward of its resources. That is counter initiative and counter productive. So I would encourage Mr. REGULA to join us in support of H.R. 33. Indeed, I might even go so far as to suggest that my good friend could solve this issue once and for all by attaching H.R. 33 as a rider to the Interior appropriations bill—as a replacement for a moratorium he and I both find unsatisfactory. I look forward to the debate on the Regula amendment later today. Once again, Mr. Speaker, I strongly encourage my colleagues to support both the rule and H.R. 701, but not the Regula amendment.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1645

ALLOCATION OF GENERAL DEBATE TIME DURING CONSIDERATION OF H.R. 701, CONSERVATION AND REINVESTMENT ACT OF 1999, IN THE COMMITTEE OF THE WHOLE TODAY

Mr. YOUNG of Alaska. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Alaska may state his parliamentary inquiry.

Mr. YOUNG of Alaska. Mr. Speaker, may I ask if the Chair designates the time that is split up, or do I have to ask for that?

The SPEAKER pro tempore. The Chair will entertain that request at this point.

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that, during the consideration of bill, H.R. 701, pursuant to House Resolution 497, the gentleman from California (Mr. POMBO) be allowed to control 20 minutes of my time for the general debate in the Committee of the Whole, with the understanding that I get the remaining part of my time.

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

There was no objection.

CONSERVATION AND REINVESTMENT ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 497 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 701.

□ 1645

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Alaska (Mr. YOUNG) will control 25 minutes, the gentleman from California (Mr. POMBO) will control 20 minutes, and the gentleman from California (Mr. GEORGE MILLER) will control 45 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Conservation and Reinvestment Act of 2000 is an historic bill which comes to this floor today, as the result of the efforts of a number of my colleagues on the Committee on Resources. I want to thank the gentleman from California (Mr. GEORGE MILLER), MY RANKING MEMBER, FOR HIS SUPPORT AND COOPERATION IN ACHIEVING A WORKABLE COMPROMISE BILL TO ACHIEVE THE GOALS THAT WE BOTH SHARE: CONSERVATION OF OUR WILDLIFE AND OUR RESOURCES FOR OUR CHILDREN AND THEIR CHILDREN. THE GENTLEMAN FROM CALIFORNIA (MR. GEORGE MILLER) and I have not often shared the same view on issues before our committee, but on this issue we stand together to make this investment in our Nation's future.

I especially want to thank the gentleman from Louisiana (Mr. TAUZIN) for his untiring work to keep the Members talking to each other and pushing forward to bring this bill to the floor today. The gentleman from Louisiana (Mr. TAUZIN) has passionately spoken on behalf of his State and district to share his concern that our Nation recognize the contribution made by coastal Louisiana to our national energy security and to the extraordinary economic growth and prosperity that we enjoy today.

I also want to thank the gentleman from Louisiana (Mr. JOHN), our newer Member, for his work to achieve a bipartisan effort on behalf of his constituency in Louisiana. Every meeting we had with the gentleman from California (Mr. GEORGE MILLER) and all the other Members, the gentleman from Louisiana (Mr. JOHN) was there. He was there constantly with cooperation and sound advice.

I, again, want to thank the gentleman from Michigan (Mr. DINGELL), my old friend and dear colleague. There have been many battles over many, many years. Without his wise guidance and strong leadership, this bill would not have happened. There is no other Member of the House who, over the many years, demonstrated as much dedication and commitment to conservation as the gentleman from Michigan (JOHN DINGELL). He will leave a lasting legacy to our Nation of support for wildlife opportunities and recreation.

I would like to thank the gentleman from California (Mr. POMBO). Although the gentleman from California (Mr. POMBO) may not support our bill today, he nevertheless has been helpful to maintain a thoughtful and courteous dialogue among those of us who wish to achieve our goals in a different manner. He also attended all the conferences we had together and contributed to each one.

He has been a valiant and constant supporter of the rights of private property owners, and I appreciate the zeal and determination he brings to that role. He and I share the same goals when it comes to protecting the rights of our property owners. They are America's foundation. I happen to agree with the gentleman from California (Mr. POMBO) that our Federal Government needs to do more to show them the respect they deserve, and I believe that CARA moves in that direction. I believe CARA actually addresses the property rights problems and also addresses the purchase of lands.

I believe that CARA achieves both conservation of our resources and, remember, I keep insisting on conservation, the word ''conservation,'' not ''preservation,'' and insures the protection of the rights of our private property owners. I would not support a bill that did not protect the rights of private property owners.

Now, what does CARA achieve? First, it provides the stable and lasting source of funding to achieve the conservation of our natural resources. Our coastal States are our first line of defense in protecting our environment.

They are impacted by many important economic activities in our coastal waters that benefit all of us, including the production of oil and gas for our energy and security. There are many other impacts as well, including shipping, fisheries, and recreation. They are on the receiving end of much of our polluted waters flowing from inland States. They have to deal with these problems and deserve our support.

As our American population grows and our economy improves, we have greater needs for recreational opportunities and for opportunities to enjoy the beauty of our country. This bill provides funds for Federal land acquisition, yes, but, quite frankly, ensures a greater role for Congress in that process and provides greater protections for property rights.

In the future, Congress can ensure that our Federal policies are fairer and provide more opportunities for those areas of the country which need and want additional Federal land acquisition.

As a Republican, I believe the States should have a greater say in providing recreational and conservation opportunities for our citizens. This bill sends back to our States funds for ensuring that the States can provide these opportunities. We should get our government back as close as possible to the people so that they have a direct voice in how these types of decisions are made. Let local folks decide what to do with these conservation dollars, not inside-the-Beltway bureaucrats in Washington, D.C.

This bill provides direct funding for wildlife conservation. It ensures that the funds are spent on projects that directly benefit wildlife. I, for one, am concerned that too much of our wildlife conservation dollars get spent on administration, bureaucracy, and not directly on wildlife, and this bill will ensure that the money be spent on wildlife.

CARA will greatly increase funds for urban parks and recreation. At a time when crime and education are the top concerns for urban areas, this bill can help fight crime and keep our kids in school by providing more supervised recreation for urban kids.

Increasingly as our economy grows, we are losing our history. It is important to remember and honor our past.

If we do not know our past, we will never know our future. We must provide funds to preserve and protect our historic places, while protecting the rights of property owners. We ought to have the funds to reward those who help use their property to help us keep our links to our history. CARA will accomplish that goal.

Protecting open space and protecting endangered species are goals that many Americans feel are extremely important. I have been a leader in bringing about common sense and balanced solutions to these problems.

Again, we cannot accomplish these goals unless we work cooperatively with private landowners who are affected by these laws. Without these funds which CARA provides, these landowners are being asked to bear those costs alone. This is unfair, and I believe it will ultimately cause the laws to fail. CARA allows us to reward landowners who want to hang on to their family farms and protect endangered species.

Again, CARA is not a regulatory approach to any of these problems. It does not force anyone to to anything. In fact, we have increased protections for private property owners and provide voluntary incentives to help landowners facing some very difficult issues.

CARA will not harm our economy or our Federal budgetary process. It is a good and well-thought-out bill that will bring about some very reasonable process reforms while providing a steady and reliable source of funding so that we can insure that our responsibility to provide for our future generations.

May I suggest CARA will be the future legacy for the future generations of this great Nation. We will have the opportunity of our young people and those that are here today to enjoy the open spaces, and private property owners will have their land, and our fish and wildlife will be available for those that we leave behind.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. JOHN).

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

Mr. JOHN. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Before I start, I must say that I give much credit that is due to many Members that were involved in this negotiation. It has been 2 years since we first met and came up with the idea of trying to move a piece of legislation of this magnitude through the Congress.

I give the gentleman from California (Mr. GEORGE MILLER), my friend and ranking member of the Committee on Resources, mountains of credit by keeping us together; of course the gentleman from Alaska (Mr. YOUNG), my friend, the chairman of our Committee on Resources, for never letting the fire out in times that were very, very difficult through negotiations on a bill of this magnitude; also the gentleman from Louisiana (Mr. TAUZIN) that represents the other half of the State of Louisiana's coastline; and also the gentleman from Michigan (Mr. DINGELL). These were the primary people that sat in a room over 2 years ago that decided that it was important for us to preserve what we have enjoyed in our days.

I rise today, and I am very proud and excited about where we are going to go in the next 6 or 7 hours. I want to commend the gentleman from California (Mr. DREIER) and the Committee on Rules for making a fair rule, a rule that has made in order 27 amendments. Most of these amendments were hammered out in the Member-only meetings. We deal in Congress a lot with staff members, and we do not get involved on a hands-on basis as we should sometimes.

This bill, I counted every meeting, we spent 40 hours, over 40 hours of Member-only meetings trying to hammer out a compromise because this bill was so important, not only to just the people up here in Washington, but to all of the people of the United States.

I can speak from personal experience. My district is bordered by Texas on the west, the Atchafalaya Basin on the east, the red clay hills and piney woods of Louisiana on the north, and to the south, the ever-changing 250 miles of coastline in southwest Louisiana.

There is not a week that goes by that I do not wake up and I do not have a publication, as Louisiana Life, where the headlines says ''The Coast Is Near.'' My colleagues can imagine what that article is about. Or seeing maps that are, frankly, full of red of where our coastline is going.

We lose 25 square miles of Louisiana's coastline a year, 25 square miles, a football field a day. Looking at some of the amendments, there are some that say, let us wait 5 years before we implement this. I may not have a district in 5 years at the rate of the eroding coastline of Louisiana. So I suggest to my colleagues that now is the time that we do something.

What does CARA do? It does what we do in Congress every day of the week. It puts money in priority programs that we want to see happen. Not only does it fund fully for the first time and keep our promise, as the gentleman from California (Mr. GEORGE MILLER) said with the authorized $900 million of the Land Water Conservation Fund, we are going to fund that, $1 billion for coastal restoration.

I talked a little bit about Louisiana's coastline. But this bill is so much larger and bigger than just Louisiana. We have 35 States around the United States with coastlines with the same type of problem that we have. I think it is important that we prioritize some of these dollars.

It has been a very, very bumpy road. There have been lots of differing opinions, ideologies, policies, but we have persevered because of the importance of this piece of legislation.

So I look forward to the next several hours as we debate the merits of not only this bill, but of some ideology debates, some real serious issues that we will debate in here. But when it is all said and done, we have 316 people that have signed off on this bill.

I would urge everyone to support this piece of legislation because I can think of no better legacy to leave, not only my twin sons, but also the future generations of this whole country, the outdoors that I have enjoyed living in south Louisiana, fishing in the estuaries that are so rich and plentiful with fish and ducks and shrimp and crawfish, but also the open spaces, the urban sprawl, making sure that we have those kinds of green spaces, because I have seen polls every day that say people want to be able to have that soccer field or that opportunity.

□ 1700

Mr. Chairman, we had Terrell Davis, the MVP of the Super Bowl from the Denver Broncos, come here and testify on this bill and say that he would not have been the MVP if it would not have been for the football program in San Diego, California. Those are the kind of stories I want my kids and grandkids to be talking about.

I look forward to the next few hours. And, again, I thank the chairman of the committee, the gentleman from Alaska (Mr. YOUNG) and also the gentleman from California (Mr. GEORGE MILLER) for keeping the fire going in times that were very, very difficult.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

First off, I would like to thank the chairman and the ranking member. This has been a very long process to get to this point, and a very contentious process in trying to work out differences that existed with my point of view and the point of view of the gentleman from California (Mr. GEORGE MILLER), but we were able to work out a lot of differences.

I can tell my colleagues there are a lot of good parts to this bill. There are a lot of things that I got included in the bill that they accepted, that we worked out, and there are, quite frankly, some things in this bill that I think fix things that are wrong with current law. But before the rhetoric I think gets too hot on the legislation, I will have to also say that I do not believe that there is anything in this legislation that directly takes away people's property rights. I do not believe that the chairman of the committee would do that. I do not believe that it is in this legislation.

But I can say this. I oppose this legislation because the system that we are force-feeding this money into is broken. It is severely broken. We have a system of land management in this

country that is, at best, wasteful; at worst, fraudulent, and that does systematically take away people's private property rights. We have passed legislation within this Congress, whether it be the Clean Water Act, the Endangered Species Act, things that were done with good intention and that had the full support of this Congress, but through court decisions and bureaucratic decisions that were made, they have systematically taken away people's private property rights. Because of that, I believe that the current system is broken.

We need to fix the current system. We need to step in and doing the tough work and fix the Clean Water Act, fix the Clean Air Act, fix the Endangered Species Act. But we have been unable to do that. For that reason I believe, at best, this legislation is premature because the system needs to be fixed before we begin to buy more land, before we begin to put more money into it.

Now, we hear a lot of people that will come to the floor and talk about all the great things that are going to be done with this money. One of those is to increase the amount of land that people are going to have access to. And we will hear all the great flowery things about our national park system, the BLM, the Forest Service, and that is fine, but the truth of the matter is, under the current system, we are limiting people's access to that. We are continually limiting access into our public lands so that people do not have access to them. That has to be fixed before we go buy more land. This bill does not allow for that.

I will have to tell my colleagues that I will oppose this bill because the system is broken, because I do not believe that the Federal Government should have more land. I do not believe that we should be putting more money into a system to give the Federal Government more land when they already own a third of this country.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, on November 10 the House Committee on Resources, under the leadership of our good chairman, the gentleman from Alaska (Mr. YOUNG), approved the most important conservation legislation, I believe, in over a decade. I was proud to be a part of the 37 votes in support of this bipartisan, common sense, mainstream, well-negotiated legislation. And it was primarily because of the efforts of the chairman, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), that we were able to get to this bipartisan position, which makes all the sense in the world to any mainstream Member of either party.

CARA represents an historic opportunity for Congress to provide consistent and dedicated funding to States to conserve fish and wildlife, protect and restore coastal habitats and marine resources, and to meet the ever-increasing public need for outdoor recreational opportunities.

CARA will provide $2.8 billion in permanent budget authority from the outer continental shelf oil and gas reserves for the protection and restoration of impacted coastal habitats, which is very important to constituents and residents in coastal areas. Coastal areas, I might add, like the most densely populated State in the country, where I happen to live, New Jersey.

Second, fish and wildlife habitat conservation is an important objective. Third, the improvement of outdoor recreational opportunities, which is quickly becoming the most popular way Americans spend their leisure time will be fostered. And, four, urban park renewal and historic preservation will be enhanced.

New Jersey continues to lose more open space to development and is now the most densely populated State in the Nation, as I said a minute ago. Funding under CARA would enable State and local governments to continue their efforts to preserve open space and conservation of natural resources while creating and restoring habitat for the diversity of species in New Jersey's wildlife management areas and wildlife management areas all across the country.

Open spaces, conservation, wildlife enhancement are key words in describing this mainstream legislation. I urge my colleagues to support the chairman and vote for this landmark legislation that will be an investment and endorsement to protect our natural resources for future generations to inherit.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Conservation and Reinvestment Act offered by the chairman of the committee, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from California (Mr. GEORGE MILLER). I salute these two gentlemen as well as all the Members who have worked so hard to see this bill progress this far.

As the only Member of the New York State delegation to be a member of the Committee on Resources, I was pleased to support this legislation, both in committee and here today on the floor of the House. There are so many great projects in this legislation, but I would like to specifically point out one in particular, that of urban parks.

If this legislation is signed into law in the form we have it today, my home State will receive $11 million a year for the urban parks and recreation recovery program, which will allow New York to purchase and restore recreation areas and facilities throughout the State. This money will go a long way towards improving the quality of life for the residents of my Congressional District, the 7th Congressional District in Queens and the Bronx, and millions of other urban residents as well. These funds are badly needed.

A report by a nonprofit organization in New York City released last year showed that the City of New York has a growing reliance on private philanthropy to fund urban parks. While I will always welcome community involvement in private philanthropy, the report went on to state that these private dollars overwhelmingly flow into those parks which are situated in wealthy neighborhoods, like Central Park and Madison Square Park in Manhattan. Urban green spaces in middle class neighborhoods like mine, like in the areas of Queens and the Bronx, that I represent, are simply ignored.

There is very little public assistance to remediate or create new open spaces in these neighborhoods, and there is little private sector dollars flowing into those communities. CARA will address this troubling situation. There is no reason that hard-working Americans should be deprived of open green fields, deprived of places for their children to engage in after-school sports, or be deprived of safe shaded places to stroll. In my opinion, every American community should have its own version of Central Park.

That is why I am a strong supporter of this legislation, and, again, I want to thank the chairman, the gentleman from Alaska, and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for all their hard work, and every Member who worked hard in seeing that this bill came before the House today.

Mr. POMBO. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I rise in strong opposition to CARA. Its goals are worthy, conservation, farmland protection, the recovery and preservation of endangered species, et cetera, but I simply ask my colleagues to consider this question: At what cost are we willing to achieve the goals of this legislation?

This measure makes CARA spending mandatory on budget, which means it is the first money spent and competes and has preference over veterans benefits, education, defense, and medical research at NIH, including research for cancer and other illnesses.

When we increase government holdings of land, it comes at the dual expense of private property owners. For the owner of the land taken, there is the ugly condemnation issue. And for all other landowners, they will pay higher taxes on their lands to compensate for lands taken off their tax rolls. The Federal Government already owns one-third of all the land in the U.S. When the government controls the land, government makes the decision for the use or nonuse of that land.

CARA expands the power of the Federal Government to acquire even more land.

This bill increases Federal control. I hope that all of the localities and States that have interest in this big pot of money that CARA promises will take time to consider the ramifications of this bill. The same goes for anyone who believes that zoning and planning matters should be strictly a local concern. CARA leaves important decisions about land use to be determined by the Secretary of the Interior. Under present law, if Federal money is used to purchase or improve lands under LWCF or UPARR, the Secretary of Interior has great authority to approve or disapprove of any proposed modified or alternative use of the property.

However, under CARA, the State and local governments cede even more power to the Federal Government, because CARA increases the role of the Secretary in this decision and raises even higher the standard to change any use required by the State or local government to demonstrate that no ''prudent or feasible alternative'' to the proposed use change exists.

This enhanced power under CARA, coupled with the powerful club of over $1 billion per year, will lead to the centralization of State and local planning and zoning decisions in the hands of the Secretary of the Interior, who will be a de facto national planning and zoning czar to the deprivation of State and local governmental units.

To my colleagues who are concerned about such things as abuse, fraud, favoritism, and campaign finance reform, they should be very concerned about putting that much power into the office of the executive branch. Once power is given away, it is very hard to get back. That applies to all government institutions at every level, Congress, States and local governments.

To my Republican colleagues who ran for Congress with a value to rein in the power of the Federal Government, who vowed to return decision-making to the local governments, who say they want less bureaucracy, then they should vote against CARA. It brings increased government power at the Federal level because it increases the power of Federal holdings.

Mr. Chairman, almost six years ago, ''the Era of Big Government'' ended—or so it was claimed. With the Republican landslide elections in 1994, we came into the Nation's Capital with the desire to limit government spending wherever possible and to scale back the intrusiveness of the federal bureaucracy. These are laudable goals. These are honorable goals, These are worthy goals. They were worthy then, and they are still worthy today.

These are the reasons, therefore, Mr. Chairman, that I must rise in opposition to the Conservation and Reinvestment Act—H.R. 701. The goals of this Act are worthy—conservation, farmland protection, the recovery and preservation of endangered species, and maintenance, among other things. I do not question that the authors of this measure have noble intentions to protect our environment. But, I simply ask my colleagues to consider the question, ''At what cost are we willing to achieve the goals of this measure?''

THE EXPENSE OF CARA

This measure makes CARA spending ''mandatory'' on budget, which means it is the ''first money'' spent and completes and has preference over veterans benefits, education, defense and medical research at NIH, including research for cancer and other illnesses.

CONGRESS GIVES MORE POWER TO BUREAUCRATS UNDER CARA

To those concerned about increasing the size of the government, this bill increases the size and power of all governments—federal, state and local. This bill without a doubt provide the tools to increase land holdings at every level of government. When we increase government holdings of land, it comes at the dual expense of private property owners: for the owner of the land taken, there is the ugly condemnation issue, and for all other landowners, they will pay higher taxes on their lands to compensate for lands taken off the tax rolls.

Intrusive government is a big concern, especially absent a mechanism to check its action. Sure, we in Congress can hold oversight hearings. But why under this bill do we provide for state and local government to lose control over their planning and zoning?

The federal government already owns one-third of all the land in the United States, the equivalent of all U.S. land east of the Mississippi River. In Congress, we are constantly battling those interests who do not want mining or logging of public lands, motorized recreation in national parks or even hunting or fishing on public lands. These are all taxpayers who want access to our public lands. These are the elderly who cannot get around as they once could, but who still want to enjoy the outdoors. The point here is that when government controls the land, government makes the decisions for the use—or non-use—of that land, CARA expands the power of the federal government to acquire even more land.

CARA USURPS STATE AND LOCAL CONTROL OVER ZONING

This bill increases federal control—plain and simple. I hope that all of the localities and states that have interests in this big pot of money that CARA promises take time to consider the ramifications of this bill. The same goes for anyone who believes that zoning matters should be strictly a local concern. CARA leaves important decisions about land use to be determined by the Secretary of the Interior.

Under present law, if federal money is used to purchase or improve land under the Land and Water Conservation Fund, LWCF (Title II of CARA) or the Urban Park and Recreation Recovery Act (Title IV of CARA), the Secretary of Interior has great authority to approve or disapprove of any proposed modified or alternative use of the property. However, under CARA, the state and local governments cede even more power to the federal government because CARA increases the role of the Secretary of the Interior in this decision and raises even higher the standard to change use by requiring the state or local government to demonstrate that no ''prudent or feasible alternative'' to the proposed use change exists.

Thus, this enhanced power (or even the existing power of the Secretary of Interior) under CARA, coupled with the dolling out of over one billion dollars per year under LCWF or UPRRA, will lead to the centralization of state and local planning and zoning decisions in the hands of the Secretary of Interior, who will be the Land and Zoning Czar, to the deprivation of state and local zoning and planning boards.

To my colleagues who are concerned about such things as abuse, fraud, favoritism, and Campaign Finance Reform—you should be very concerned about putting that much power into one office in the executive branch. I am not suggesting that all Interior secretaries will take such control and abuse it. What I am saying is that we should be very cautious about putting into one office this kind of unchecked power. Once it is given away, it is very hard to get back. That applies to all government institutions at every level—the Congress, the state governors, the local mayors and town managers—anyone who could be affected by lands bought with any portion of the state LWCF and UPARR. We should all be concerned.

To my Republican colleagues who ran for Congress with a vow to rein-in the federal government, who vowed to return decision-making to the states and localities, who say they want less bureaucracy, consider what CARA brings. It brings increased government power at the federal level, it will increase the size of government land holdings and it will centralize decision making power with the federal government.

To those interesting in curbing the powers of the federal government, to those who want to prioritize spending choices and be fiscally responsible, I implore you: vote against CARA.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 8 minutes to the gentleman from Louisiana (Mr. TAUZIN), one of the instigators of this great piece of legislation, and I am proud to say one that will support and actively chair this meeting tomorrow for a short period of time.

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

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me first acknowledge, as so many of my colleagues have already, the extraordinary process that brought the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) together on this historic piece of legislation.

□ 1715

There are many things that happen in this House to prevent things from happening. There are many ways to stop good legislation from happening. There are many ways in which we, unfortunately, block each other in our attempts to do what we think is right for this country.

Rarely do we see people with so diverse views come together so mightily as this group has come behind this CARA bill to present this Nation with this historic opportunity.

In short, it is as though the stars have aligned to make this happen this year. And the stars are numerous. They include, of course, my good friend the

gentleman from Michigan (Mr. DINGELL), who has been such a vibrant part of these negotiations, and my good friend the gentleman from Louisiana (Mr. JOHN). He has acknowledged me. Let me acknowledge him for the incredible work that he has done in these negotiations.

But let me also acknowledge my friend the gentleman from California (Mr. POMBO), because he and I sat side by side trying to make a case throughout this bill of balance, to make sure that as the bill was creating new environmental initiatives to protect and enhance wildlife and land management areas in the country, that we simultaneously included in the bill new protections for property owners.

I think it is important to answer a few questions about this bill that I have been asked on this floor and throughout the last few days with reference to how this bill came to be.

It is, first of all, important to know that this bill is divided into several titles. The first title has to do with coastal impact revenue sharing. I was asked by a number of Members why is it in there, what is that all about?

Well, for many, many years the interior States of our country have enjoyed the protection of a Federal law that says for all Federal production of minerals on Federal lands within that State, the State gets 50 percent of the revenues. That is a pretty good chunk of change for many States.

In fact, just to give my colleagues some numbers on it, in the past years of production since this law has been in effect, the State of Wyoming has collected $7.4 billion of income from Federal lands' production of minerals located in that State. The State of New Mexico has collected $5.3 billion from income produced from royalties from oil and gas and mineral production on Federal lands in the State.

The one problem has always been that Federal offshore lands, the lands located right offshore of the coastal States, were not covered by that law.

Now, we might have had a chance to get it covered back in the Truman administration. There was an offer by the Truman administration to do just that but, unfortunately, it was not accepted.

But the bottom line is that, over all the years of offshore mineral production, the coastal States, which bear a rather significant burden in the production of those resources, have never shared in the revenues that are derived.

Just to give my colleagues an idea what happened since then, this Government, our taxpaying public, has benefitted from the benefits of oil and gas production offshore to the tune of $122 billion, 80 percent of which was derived off my own State of Louisiana, right off of the coastal district of the gentleman from Louisiana (Mr. JOHN) and myself, 80 percent of which was derived off that coastal area, which simultaneously produces nearly a third of America's seafood.

The bounty of this Nation's catch in fish and crab and shrimp come, basically, from our coastal areas; and our two districts produce nearly a third of this country's bounty.

At the same time that that occurs, we have opened up the gate of our coastal areas to offshore production; and the Government and the people of our country have benefitted to the tune of $122 billion. We receive no share, no compensation, for what occurs on our coastline.

The gentleman from Louisiana (Mr. JOHN) told us the story, but let me repeat it. If a colleague was losing 25 square miles, some States are losing 35 square miles, of their district along their coastline every day, I suspect the National Guard would have been alerted, we would have had a national emergency declared. Yet, it happens every day in coastal Louisiana.

Immeasurably to the human eye, the land is washing away, it is eroding to all the pipeline canals and all the salt water intrusion that is occurring along our coast. We are literally losing this incredible national resource, with no money to deal with it.

Title I gives coastal States a chance to deal with it. There is only going to be one amendment to Title I. It is going to be an amendment to give Louisiana a bigger share, and I am going to vote against it. It is going to be an amendment to say only the States with coastal production ought to share in that.

I am going to vote against it, because the formula in title I did not come from Louisiana. It did not come from the Congress. It came from a study done by Mineral Management. It is designed to make sure that every coastal State with similar problems gets help in dealing with their problems. And we are prepared to join in that formula.

Secondly, I have been asked, well, what about the fact that this bill creates an entitlement, that it puts the money ahead of the programs we heard mentioned before?

Let me tell my colleagues, if they have not noticed it, we created two mandated funding programs just recently, one for highways and one for airports. This bill provides a mandated program for land and water conservation.

When a poll was done in America to put those three programs side by side, do my colleagues know which one won out handily? As popular as airports are, as popular as highways are, land and water conservation came out way on top, 45 to 35 to 7. Forty-five percent of Americans said that is where we ought to be working hard, to recover and restore America's land and water resources.

Finally, I have been asked by many people, ''BILLY TAUZIN, you were the author of the first private property bill of rights in this Congress. Why on earth are you supporting this bill when these private property rights organizations are against it in America?''

I will tell my colleagues why they are against it. It is not because this bill diminishes property rights. It enhances property rights. They are against it for the reason my friend the gentleman from California (Mr. POMBO) talked about, the fact that in many States of our country the Federal Government owns 70, 80, 90 percent of the land mass and they do not want the Government buying any more land.

I understand that. I am very much in sympathy with States that are put in that position. But we are going to acquire land with or without these protections.

This Government in Washington has been appropriating money to purchase more lands every year, many years in excess of what is provided in this bill. But this bill balances it off and says we are going to put in some private property protections, we are going to make sure nobody's land is taken anymore who does not want to sell unless Congress specifically authorizes the acquisition of a single piece of land.

We are going to provide additional improvements in the cause of property rights protection to make sure that notices go out to people when land is going to be acquired on the local level, local officials, local politicians, Congressmen, all of us know; and we are going to provide protections to make sure that no regulations apply to property that is not yet titled to the Government.

There are some beautiful new programs in here to consolidate the patchwork of Government holdings out West and to incentivize land swaps and for the Government to sell off land it does not work before it buys more land. There is an awful lot of good stuff in here.

The improvements in private property rights in this bill are one in balance to the dedication of money to land and water conservation. This is the kind of balance that works.

If I were to offer the bill with all the property rights improvements that are in this bill as a stand-alone bill, I doubt if we could get it anywhere in this House.

In balance with the environmental protections, the historic preservation, parks and recreation, land and water conservation, we have won a delicately achieved balance.

I urge my colleagues, in the context of the amendments that are going to come forward in the next several days, to remember that historic balance. This is a great bill. It is great for America. And it is time it happens.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of CARA. I so appreciate the hard work of the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, that they put into this bill.

Mr. Chairman, I was proud to be an early cosponsor of their effort, because I knew if they could get together, it had to be a good bill. And it is.

For my constituents in Marin and Sonoma Counties, CARA will be one of the most significant environmental bills this Congress will consider. It provides for full and dedicated funding of the Land and Water Conservation Fund. It gives States and local conservation and environmental entities a reliable partner to preserve and restore coastal and marine habitat and to save our wildlife.

Particularly important to my district, however, and to my constituents is CARA's priority to preserve and acquire open space and to protect farmland.

For example, in my district, which is just north of the Golden Gate Bridge, very close to a very, very concentrated urban area, CARA has a funding mechanism for the purchase of conservation easements on farmlands, farmlands that are currently under threat from development because of their location so close to the Bay Area.

While CARA will not supply all the money needed to preserve the threatened lands across our country, I am truly encouraged by this good start and look forward to building on this principle.

I urge all of my colleagues to support H.R. 701 and know that it is a carefully crafted piece of legislation by the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) that, and I will say it again, if they agree, it has to be good.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Chairman, unfortunately and regrettably, with great respect to the chairman of the committee and all due respect for my friend the gentleman from Alaska (Mr. YOUNG), I have to rise in opposition to H.R. 701.

Since this bill was introduced, I have been approached by a large number, literally hundreds, of my constituents expressing their opposition to this legislation, and their concerns are important to me.

While I understand the important goals of this bill and I applaud the chairman for his protection of wildlife and his great conservation efforts, I would like to offer him that unique perspective that my friend the gentleman from Louisiana (Mr. TAUZIN) talked about, the perspective of the State of Nevada, many of my colleagues who on the East Coast do not understand.

Nevada is a State which is already nearly 90 percent owned by the Federal Government. That is 90 percent. Many of our counties are in very dire financial situations because the principal revenue they generate to pay for the services that they are required to provide by law, such as police and fire protection, schools, education, health care, roads, water and sewer infrastructure, are generated by private property taxes.

One county, just one county, Lincoln County in Nevada, a county of 10,000 square miles, larger than many of the northeastern States combined, is 98.5 percent owned by the Federal Government, leaving only a small part for the tax base of 1½ percent to provide that critical and important infrastructure.

Lincoln County generates only $1 million per year to pay for its mandatory infrastructure and services, and I still wonder how they continue to survive today even though they are on the verge of going bankrupt.

Therefore, any monies that are added to the Land and Water Conservation Fund that do not adequately protect private property rights is literally a death sentence for these poor counties in the State of Nevada. When they purchase environmentally sensitive land, they purchase private property that is used for this tax base.

I cannot in good conscience, without necessary private property protection, even entertain the idea of spending almost a billion dollars a year.

I urge my colleagues to oppose this piece of legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST), my good friend.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding. I also thank the chairman and the ranking member of the Committee on Resources for pulling together all the people that were necessary to craft this legislation so carefully and in such a way that it balances the conservation of our resources and, I might add, the strong constitutional provisions of property rights.

Mr. Chairman, I would just like to make a couple of points. I hope my colleagues here in Washington are listening to this debate. This is the kind of debate that brings out good information, is bipartisan, is something that the American public can feel good about; and, in the end, everybody will benefit.

This is a great Nation. We have been a great Nation for over 200 years. The Nation was built as a result of democracy, character, and endless frontier that provided expanse to move in, and an abundance of natural resources. But over 200 years after the founding of this country, our resources are diminishing as the population increases. Our frontier is virtually gone, if not entirely gone.

All we have left is democracy and character to pull together our intellectual capacity to understand the nature of how we now manage those limited resources for unseen future generations to come.

This is a big step in understanding how to manage those limited resources, how to manage our forests, how to manage our prairies, how to manage our agriculture, how to manage our fisheries, how to manage the water hydrologic cycle which provides us with sustenance.

□ 1730

This bill will bring together the Nation's intellectual capacity to fund the money that is necessary to sustain the resources. And I urge my colleagues to vote for the bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in support of H.R. 701, the Conservation and Reinvestment Act. I am proud to have been one of the 30 original cosponsors of this bill which now has over 300 cosponsors. Throughout my time in Congress, I have always tried to be a strong supporter of conservation efforts. This has included authoring several conservation laws to protect Michigan wilderness, wild and scenic rivers and creation of the Grand Island Recreation Area. Passage of CARA will ensure that these types of important conservation actions will continue to be funded appropriately.

I am pleased that CARA includes funding for urban parklands as well. It is easy to forget that many urban dwellers do not have the means to travel to green spaces, city parks are their only opportunity for recreation and enjoyment of the outdoors.

For too long, we have neglected the opportunity to ensure grant funding for worthy open spaces in cities. CARA responds to this need. I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) for their efforts in making Native American tribes and Alaska Native corporations eligible to receive funding under certain titles of this bills. For example, Title II dealing with Land and Water Conservation Fund revitalization would make all Federally recognized tribes and Alaska Native corporations eligible to receive funds under competitive grand basis.

Title VI on Federal and Indian lands restoration would make 10 percent of the Conservation and Reinvestment Act Fund transferred to the Secretary of Interior available to Indian tribes on a competitive basis.

Mr. Chairman, I am pleased that Title III, which deals with wildlife conservation and restoration, encourages the State fish and wildlife agencies to work with Alaska Native corporations and Indian tribes. However, I hope that as we go to conference, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) will continue to work with me in that conference to strengthen this language to allow Indian tribes and

Alaska Native corporations to share in the new subaccount created in Title III. They have been very cooperative, and I really appreciate their close cooperation.

Once again, I want to thank my colleagues for all of their hard work, and I think we have a wonderful bill before us.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

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

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think the decision we have today is whether we want to put the government on automatic pilot. Are we going to have more entitlement programs? When do we stop? That is what really is at issue here.

We give this money to the States, about $2.4 billion. There are no restrictions. My colleagues keep talking about how we are going to save resources; the resource may be a swimming pool or a tennis court. There is no guarantee as to how it will be used. We, in our positions of responsibility, make those decisions. We are going to abdicate that responsibility to the others for $2.4 billion worth of funding, in the face of $15 billion, plus or minus, of backlog maintenance, in the face of the fact that we already give the States $1.7 billion out of the Federal resources that are generated from leases on public lands, some that comes already from drilling, in the face of the fact that every state in the Nation has a balanced budget.

Mr. Chairman, ladies and gentlemen of the House, I think that we have a responsibility to set the priorities for this government, for the people of this Nation, to take care of the 379 parks that are in the portfolio, to take care of the millions of acres of national forests, of the many U.S. Fish and Wildlife Service facilities, and the lands that are under our jurisdiction, as well as the responsibility to the Indian tribes, the responsibility for the cultural institutions in this city, the Smithsonian, the Kennedy Center, the National Gallery of Art, and the Holocaust Museum. They all, too, have great needs.

The States should take their responsibility. We should take ours. I think to create a new entitlement could just be the beginning of many more of these. This bill is certainly a case of abdicating responsibility that we are elected to make, in terms of priority decisions and the allocation of this Nation's resources.

Mr. YOUNG of Alaska. Mr. Chairman, how much time is remaining on each side?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Alaska (Mr. YOUNG) has 5½ minutes remaining; the gentleman from California (Mr. GEORGE MILLER) has 32½ minutes remaining; the gentleman from California (Mr. POMBO) has 9½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, CARA is landmark legislation, moderate legislation, sensible legislation that responds to a clear and growing public demand; namely, that we do more to conserve open space and protect our ecological resources. That public demand is evidenced by the hundreds of successful State and local referenda that have set aside funds for these purposes. And that public demand is evidenced in every poll, and the demand shows up in every region, every age group, every flavor of partisanship and ideology.

The Federal Government has an essential role to play in this area, because it can set national priorities and distribute funds that are beyond the States' capacity to raise. And this bill takes on that legitimate Federal role in the right way by plowing back some, not all, but some of those revenues that the Federal Government gains from exploiting our national resources into preserving our national resources.

That is not a new idea. It has been part of the idea behind the Land and Water Conservation Fund for decades, but CARA expands on that idea at this critical time when social and economic changes have caused more of our land to be under threat than ever before.

CARA is the right bill at the right time.

Now many people today will complain that the bill is not perfect; that it needs further changes. I happen to be one of those people, and I will elaborate on my concerns in a moment. But the main point to keep in mind today is that now, right now, today is the time to move this bill forward.

This bill is ready for passage by the House; further changes must occur later in the process, and we all know there is plenty of process left. The comforting fact about CARA is that it has continually improved as it has moved through the process. This is a bill that is getting better all the time.

With that in mind, I urge my colleagues to support the amendment the gentleman from Alaska will offer, which incorporates changes we have worked out that will help ensure that the bill does true environmental good and no environmental harm. I urge passage of the Young amendment and opposition to all other amendments today because all the others will prevent the bill from moving forward.

I do hope this bill will continue to be improved as it moves forward. Significant issues remain to be addressed, issues that were addressed in an amendment I crafted along with the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New Jersey (Mr. PALLONE). We will not be offering this amendment, but I will be submitting it for the RECORD at this point, along with the letters of support it garnered, because I think the amendment indicates where this bill has to end up in the not so distant future in order to be signed into law.

But my remaining concerns are for tomorrow, not for today. Today we should rally behind this bill which reflects so many months of thoughtful work and compromise by such a broad group of people inside and outside the Congress.

Let us answer the public demand for effective legislating, for protecting open space, for improving quality of life by passing CARA by an overwhelming vote this week.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MCGOVERN).

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

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of this legislation.

Mr. Chairman, I rise in support of H.R. 701, The Conservation and Reinvestment Act of 1999 (CARA), and I commend Mr. YOUNG and Mr. MILLER for their leadership. CARA will create an unprecedented federal commitment to our nation's wildlife, coastal areas, open spaces and urban parks.

Thirty-five years ago, President John F. Kennedy wrote to Congress that ''Actions deferred are all too often opportunities lost, especially when it comes to safeguarding our natural resources.'' Now more than ever we need to invest in our open spaces. There have already been too many missed opportunities. In my home state of Massachusetts, we lose two acres every hour to sprawling, ravenous development. In the few hours we spend debating this bill, another family farm will be turned into a housing development; another vacant urban space will be paved over; another playground will remain unbuilt.

The time for action has come and CARA's mandate is clear. Voters and legislatures in our states and localities have continued to approve open space funding initiatives at record levels. They have approved over $10 billion since 1998. Congress needs to follow suit.

I am particularly pleased with Title II of this bill. As my colleagues know, in 1965 Congress set aside money from offshore drilling receipts in a trust designed to preserve our open spaces. Nevertheless, funding for this Land & Water Conservation Fund has been sporadic. Last year I offered an amendment, which passed the House, to the Interior Appropriations bill to put $30 million back into the state-side LWCF account. Before that, the state-side account had gotten no funding since 1995. CARA's Title II puts the ''trust'' back in the trust fund by fully funding the state-side LWCF to its authorized level of $450 million per year for the next 15 years.

I also urge my colleagues to reject any amendments that would weaken or upset the compromise embodied in this bill. As all of you know, getting 315 Members of Congress to agree on anything is an amazing accomplishment. CARA has 315 co-sponsors as a result

of thoughtful and meticulous negotiation. Compromise and bi-partisanship are the key to making CARA work, and this bill is too important to be sacrificed.

Finally, for the record, although I think CARA is an impressive bill and support it in its current form, I believe there are ways that the bill could be improved. I support a fully-funded $100 million a year state-side ''flexible funding'' grant program to assist states in undertaking large conservation projects. I believe that we must guarantee that Congress actually expends the full level of federal-side LWCF funding set aside each year. I also believe that ''Coastal Impact Assistance'' funding must not be used to harm the environment. As we continue to work with the Senate and the Administration, I hope that we can find room to make some of these improvements.

Today we have an opportunity to make a real difference. Today we have a chance to save thousands of acres, preserve a healthy habitat for our wildlife and leave our children a natural legacy we can be proud of. I urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, in section 101(b) the bill provides for the allocation of Title I funds on the basis of a formula that includes consideration of the proximity of OCS leases. In order to eliminate any argument that the application of the formula could provide an incentive to increase OCS activities which we are trying to mitigate through this bill, we are amending the formula to, one, consider only leased tracts which meet the criteria in the bill as of the date of enactment; and, two, prevent a recalculation of the formula at a later date, thereby excluding from the formula tracts leased after the date of enactment; is that correct?

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. The gentleman is correct.

Mr. MARKEY. Now, in section 101(c), the bill provides that an analogous formula shall be used where funds are distributed directly to political subdivisions smaller than a State. Consistent with our shared purpose to eliminate any unintended incentive to increase OCS activities, would the gentleman agree that the use of the term analogous in section 101(c) means that the payments under this subsection will include only those leased tracts which meet the criteria in subsection (b) on the date of enactment, and that there will be no recalculation of this formula at a later date?

Mr. GEORGE MILLER of California. If the gentleman will yield further, the gentleman is correct. Tracts leased after the date of enactment are not relevant to the operation of the allocation formula in either section 101(b) or 101(c).

Mr. MARKEY. I thank the gentleman from California. Would that also be the understanding of the gentleman from Alaska (Mr. YOUNG)?

Mr. YOUNG of Alaska. If the gentleman will yield, yes, the gentleman has correctly stated my interpretation of these provisions.

Mr. MARKEY. Would the gentleman be able to assure me that this interpretation will be restated in the appropriate place in any subsequent report language accompanying the bill?

Mr. YOUNG of Alaska. The gentleman can rest assured that that will be done.

Mr. MARKEY. I thank the gentleman.

Mr. Chairman, I would like to address some of the environmental provisions that I think should be included in this bill to make it a completely positive environmental bill. They are changes that I believe will only improve the bill by ensuring that CARA allocates oil and gas lease revenues for programs that are environmentally beneficial.

Mr. BOEHLERT, Mr. PALLONE and I crafted an amendment to address these environmental concerns. As part of a compromise negotiated with Mr. YOUNG and Mr. MILLER, some of these issues will be included in the Manager's amendment.

In particular, I am pleased that Mr. YOUNG and Mr. MILLER agreed to remove the potential incentives to increase the number of oil and gas in the compromise. We accomplish this change by simply calculating a State's allocation of coastal funds once. We take a snapshot of the relevant leases on the date of enactment of the bill. Then we frame it and hang it on the wall for the life of the bill. That way it is clear which leases are relevant to the distribution of CARA coastal assistance funds.

The remaining improvements focus on three specific aspects of the bill:

The consequences of the coastal assistance fund,

Unused funds in the Land and Water Conservation program, and

Improvements to wildlife conservation programs.

According to the allocation formula for coastal assistance funds in the CARA, a single state receives close to ⅓ of the coastal assistance fund. It's like this coastal fund is a giant birthday cake. You all know that when you cut the first piece of cake, you get two pieces—the small one you cut and the rest of the cake. What has happened here is that the larger piece has been given away first, leaving the small piece to be distributed among the other coastal states.

I believe the offshore oil and gas revenues should be distributed more equitably to all coastal states.

In the amendment we developed a new formula that would have benefited almost every state. The new formula also would have freed up $100 million for new the competitive grant program for lands of regional or national interest.

In addition, we would like to see changes to the allowed uses for the coastal funds to ensure that this money would be used to improve the environment and limit the amount that could be used for harmful infrastructure projects.

The Land and Water Conservation Fund faces a different situation. In recent years, the federal portion of the fund has not received the fully authorized amount in the appropriations process. to improve this situation our amendment would have allowed the President to allocate any unused money to previously specified land acquisitions. But no funds could have been expended until 4 months after the President made clear the intent to do this.

Finally, our amendment would have ensured that states develop a strategy for the wildlife conservation funds they receive under CARA. This change would have ensured States use sound science and coordinate their activities with other agencies to make the best use of the wildlife funds. This amendment has widespread support among wildlife conservation groups and I am confident it can be adopted as the process moves forward.

I want to reiterate that I fully support CARA with the Manager's amendment. In addition, I oppose all other amendments, particularly those amendments that weaken the bill. I believe that the changes I have suggested will improve the bill and I encourage my colleagues to consider these issues as the process moves forward.

Mr. POMBO. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I rise today with reservations regarding the Conservation and Reinvestment Act, CARA, in its current form. Unfortunately, Mr. Chairman, I cannot support this bill as it presently exists. I have concerns about the lack of property rights protection in this legislation. I will offer a condemnation amendment to address the fundamental flaw in this bill.

My amendment will ensure that landowners are not forced to sell their property and are treated fairly in the process. CARA provides for $900 million to be appropriated annually for the Land and Water Conservation Fund for the purposes of purchasing land, including private property, farms and ranches. Private landowners are understandably nervous that with such huge sums of money available, their land may be easily condemned for public use.

CARA contains no private property rights protection for LWCF funds provided to State and local governments and very minimal protection with Federal funds. It comes down to the basic right that government should not be able to force taxpaying citizens off their land, land that has sometimes been owned for generations by families. I do not think anyone believes this

should take place. My amendment goes a long way in preventing this from happening. I agree that money for parks and recreation, historic preservation and wildlife restoration are worthy endeavors. However, I cannot support a bill which forgoes the rights of American citizens. Mr. Chairman, I hope that my colleagues will support my amendment which will significantly improve this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

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

Mr. WELLER. Mr. Chairman, let me begin by saluting the chairman of the Committee on Resources as well as the ranking member for their leadership in demonstrating that Republicans and Democrats can work together on important environmental legislation. This legislation is clearly in the spirit of that great conservation President, Teddy Roosevelt, legislation that will further our investment in open space, our investment in conservation and wildlife habitat, farmland preservation and the protection of wetlands.

I have had the privilege over the last 6 years of representing the south side of Chicago and the south suburbs. One thing I have seen every day that I drive through the district I represent, that is, the south suburbs keep growing south. Clearly the need to protect land for open space and conservation must be a priority. This legislation nicknamed CARA is a step in the right direction. I believe it is probably the most important environmental vote that I will have an opportunity to make in the 6 years that I have been here. I think of Illinois and the home State that I represent, and Illinois historically has not done very well in acquiring Federal dollars for conservation and for open space and wildlife habitat, but this legislation will turn that around.

In fact, my home State of Illinois will benefit to the tune of almost $56 million in funds that will come back to Illinois to match the initiatives for open space that Governor Ryan has initiated on his ''40 over 4'' program to set aside land for open space in Illinois, and from a local level, the Will County forest reserve which through the initiative of the taxpayers last year, initiated an $80 billion bond authorization. They will receive matching funds for open space and conservation. It will also help support our efforts to save and preserve the Kankakee River, one of Illinois' historically cleanest rivers through conservation easements as well as wetlands preservation.

And last, I would note as a representative of the city of Chicago that the city of Chicago ranks 18th out of 20 in parks and lands set aside for recreation and conservation, that these funds will help the city of Chicago, not only establish new parks and green space but reestablish the Lake Michigan shoreline in the city of Chicago.

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This legislation, CARA, is good for the environment, it is good for conservation, it is good for Illinois' future, it is good for America's future. I salute the gentleman from Alaska (Mr. YOUNG) for his leadership, and I urge an aye vote.

Mr. Chairman, I rise today to offer my strong support of H.R. 701, the Conservation and Reinvestment Act. The Conservation and Reinvestment Act will greatly benefit our nation and the residents of the State of Illinois, providing $56 million annually to Illinois for conservation.

The Conservation and Reinvestment Act is a landmark in our nation's conservation heritage. H.R. 701 is the most significant piece of environmental legislation in a generation, and I am pleased to be a supporter of it. The accomplishments of this bill are many, including providing open space preservation, fish and wildlife conservation, urban park restoration, and historic renovation.

Mr. Chairman, my home State of Illinois will see tremendous benefits from this legislation. Illinois currently receives far less federal dollars than most other states for open space preservation. This is wrong when we know that our open space is disappearing rapidly, especially in the South Suburbs which I represent. Governor George Ryan has crafted a successful program in Illinois known as the Open Land Trust, providing $40 million annually over four years to protect and preserve open space. The Conservation and Reinvestment Act will provide matching funds for this program, making this an ideal time to pass the Act for Illinois.

In the 11th District which I represent there are several open space needs which will be met with the passage of the Conservation and Reinvestment Act. Will County recently passed a $70 million bond authorization for the protection of open space. The Land and Water Conservation Fund portion of the Conservation and Reinvestment Act could leverage these local dollars by 50 percent. Further, the Illinois Department of Natural Resources has identified $30 million in land acquisition needs in the Kankakee, Grundy, LaSalle areas. Land and Water conservation funds could provide an additional $15 million to meet these needs. Finally, the City of Chicago currently ranks 18th of the 20 largest cities in open space preservation to population; the Conservation and Reinvestment Act will help to solve this problem.

In addition to open space benefits, Illinois will receive support for the conservation of fish and wildlife. Under the auspices of the Wildlife Conservation and Restoration Fund, Illinois will receive approximately $14 million annually for the preservation and support of fish and wildlife. The Illinois Department of Natural Resources has identified a $41 million annual need for the conservation of fish and wildlife preservation, education, and recreation. The Land and Water Conservation Fund would leverage state dollars by 75 percent. This portion of the legislation is vitally important not only for the health of our environment, plants and animals, but also for sportsmen and sportswomen. The legislation also provides shoreline protection funds through Title I provisions. These funds will help to protect Lake Michigan shoreline, Illinois Beach State Park, and endangered and threatened species. In addition, funds for historic preservation are also provided.

Mr. Chairman, this is good bipartisan legislation and it should be passed today. I commend the leadership of Representative DON YOUNG and Speaker HASTERT in bringing the Conservation and Reinvestment Act to the floor and I urge my colleagues to support this bill and defeat any weakening amendments.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELO).

Mr. ROMERO-BARCELO. Mr. Chairman, I rise in strong support of H.R. 701, the Conservation and Reinvestment Act and to congratulate the gentleman from Alaska (Mr. YOUNG) of the Committee on Resources and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for putting together this landmark piece of legislation and, particularly, for putting aside all of the parochial interests and putting aside all of the partisan interests and putting together this extraordinary bill.

Mr. Chairman, today we will have the opportunity to stand up for our environment and to vote in favor of the most important resource protection and management bill that has come before this body in a generation. As ranking member of the Subcommittee on National Parks and Public Lands, I cannot stress enough the importance and impact that the Conservation and Reinvestment Act will have over the preservation of our natural resources for future generations.

As a sole, nonvoting representative of 4 million American citizens in Puerto Rico, I will not be allowed to cast my vote in favor of this legislation supported by my constituents. It is for that reason that I come before my colleagues today and urge them to support H.R. 701 and oppose any amendments that will upset the balance achieved through very long bipartisan negotiations.

Mr. Chairman, H.R. 701 is a carefully drafted consensus bill with over 300 cosponsors and the support of 50 governors, many State and local legislators, dozens of newspaper endorsements, and many business, environmental and wildlife groups. H.R. 701 fulfills the promise made by this body 36 years ago to dedicate a portion of the revenue stream from offshore oil production into preservation of our Nation's natural resources. We cannot delay the realization of this promise any longer. Our parks are under pressure from development, our recreational programs are insufficient, our wildlife is stressed, our coasts are in peril.

Mr. Chairman, we will fail the American people and future generations if we do not pass this legislation and support our Nation's natural resources. Vote ''yes'' on H.R. 701.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

(Mr. GARY MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Chairman, I find myself on the opposite side of the gentleman from Alaska (Mr. YOUNG), and I have tremendous respect for the chairman of the Committee on Resources.

This bill sets up a mandatory funding mechanism of 2.8 billion annually. Currently, California and the Federal Government owns over 50 percent of the land. By removing $2.8 billion annually from the budget for 15 years, it is a total of $42 billion.

Since the budget resolution adopted by Congress last month allocates all of the surplus to either public debt reduction or tax relief for working families, passage of this bill would require Congress to either dip into the Social Security Trust Fund, cut the amount set aside for reducing the debt, or reducing the amount set aside for tax cuts for working people.

The fiscal year 2001 budget resolution provides $50 billion over 5 years for tax reduction or paying down the debt. Instead, CARA will use up $14 billion over that 5-year period.

No one is talking about the fact that this will likely trigger significant increases in discretionary spending in the form of new bureaucracies and personnel needed to implement the programs created by CARA. This new demand would likely, or inevitably, squeeze out programs such as discretionary spending on defense and education. How many bureaucracies will come up in the next 15 years to ask for more staff to help them spend $2.8 billion per year.

The discretionary spending will also increase for the maintenance of newly acquired lands. According to the Clinton-Gore administration's own estimates, our national parks and Federal lands have up to $15 billion in necessary maintenance backlogs. We are purchasing land at such a high rate that we cannot even keep up with the maintenance of these lands. How can that be considered good land stewardship?

Discretionary spending will also increase if CARA is passed for the purpose of having to compensate local jurisdictions for the loss of economic development. This is money that can be used for saving Social Security, paying down debt, and providing tax cuts for Americans.

Furthermore, Federal and State land acquisition negatively impacts local communities by reducing tax revenues for education and crime prevention and other services. Some of my colleagues argue that this bill addresses the issue by securing funds to deal with these impacts, but this money is not guaranteed unless Congress appropriates money for this purpose. More discretionary spending that is directed away from more important issues like health care, research and public safety.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 15 seconds to the gentleman from New York (Mr. GILMAN), a good friend. I wish I had more time, but I understand I cannot get it.

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

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) for their cooperation and dedication in bringing this measure to the floor. It is a unique opportunity for our Congress to address the conservation and preservation needs of our Nation's communities. It has been carefully crafted to meet a wide diversity of public land needs, and it is a measure that will provide funding for vital conservation programs and the needs in our own area in New York State.

Mr. Chairman, permit me to take this opportunity to commend the distinguished gentleman from Alaska, Chairman YOUNG and the ranking minority member the gentleman from California, Mr. MILLER, for their cooperation and dedication in bringing H.R. 701, the Conservation and Reinvestment Act (CARA) to the floor at this time. This measure is a unique opportunity for the 106th Congress to address the conservation and preservation needs or our Nation's communities.

H.R. 701 has been carefully crafted to meet a wide diversity of public needs. This measure would provide funding for vital conservation programs, urban park needs, agricultural and forestry easement programs, historic preservation, wildlife enhancement, and other important environmental initiatives.

Designed to protect our Nation's natural heritage, the Conservation and Reinvestment Act reinvigorates the Land and Water Conservation Fund (LWCF). This vital program has saved thousands of acres of forest, miles of river, and many of America's mountain ranges. Fully funding this program will provide outdoor recreation opportunities that will improve the quality of life for all Americans.

Futhermore, this proposal sets up a competitive grants program, run by the Interior Department, to enable States to purchase lands of easement. This is a critical component to regions of the country that have compelling national interests but cannot access adequate Federal or State LWCF funding.

In the New York-New Jersey Highlands, the largest, wild, forested area in the metropolitan New York City area, vast areas of open space are threatened with sprawl development. These lands represent critical economic, ecological and recreational resources, and protect the water supply for millions of people in our region.

Our struggle to acquire Sterling Forest is just one example of why this competitive grant program is so important. With $17 million from the LWCF and matching funds from the States of New York, New Jersey and the private sector, we were able to purchase thousands of acres of pristine open space.

The proposed competitive grants program would continue to provide funds for areas like Sterling Forest, the Adirondacks and the Everglades, that will need a Federal and State partnership to be preserved. I commend my colleagues for including this program and hope we will be able to work with the Senate to fully fund this provision.

Over the past year, in cooperation with local environmental groups and the State of New York, we have fought with inadequate Federal support to preserve vital open spaces, such as Clausland Mountain, in our Hudson Valley. The passage of H.R. 701 would bring new hope for our regions, allowing communities to fight urban sprawl, reserve natural and historic sites, protect wildlife and support wetlands conservation.

This important legislation draws its support from a bipartisan delegation of over 300 cosponsors, Governors, mayors, and a wide range of organizations in all 50 States and the District of Columbia, including park and recreation associations, conservation and smart growth groups, land trusts, the recreation industry, and chambers of commerce.

In closing, on August 31, 1910, Theodore Roosevelt stated: "I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us."

H.R. 701 offers our future generations the opportunity to enjoy our Nation's most precious resources. Accordingly, I urge my colleagues to join me and thousands of Americans in support of this measure.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE), a member of the committee.

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

Mr. INSLEE. Mr. Chairman, this truly is a great day for the House where common sense and bipartisan thirst for progress is really going to trump ideology.

I want to tell my colleagues why I think it is such a great day. I spent 4 days last summer eyeballing the need for this bill by kayak in my district. I spent 4 days in a kayak going all across the waterways in my district. I want to tell my colleagues, I came away impressed with one thing: it is about time that the U.S. Congress makes this commitment.

Let me tell my colleagues about a couple of things I saw. I went up the Sammamish River, stopped at the soccer fields where I saw hundred of kids playing soccer with hundreds of kids literally on the sidelines who did not have fields to play on. We need to build new soccer fields. Not one of those kids playing soccer was stealing hubcaps. This is a juvenile crime issue as well.

I kept going up the Sammamish River, got to where Little Bear Creek and Big Bear Creek flow in. I talked to some residents there who told me, we have to buy these conservation easements to protect the headlands so that we can prevent the extension of salmon runs in Bear Creek.

I kept paddling down Lake Washington with a guy named Bill Nye. My colleagues may have heard of Bill Nye, the science guy, who told all of the people on our kayak tour about the importance of water quality and wetlands and preserving wetlands for salmon.

I kept going to Karakeek Park and Puget Sound where I grew up, where I

grew up with salmon, and these salmon are now, they were gone from Piper's Creek for 2 decades and they are coming back, partly because of the efforts we have made to preserve those habitat.

I am just here to say, Mr. Chairman, this may be the best day in this Congress when we are going to put aside partisanship, we are going to do what the American people are demanding us to do and make a real investment in the future of our kids.

Mr. POMBO. May I inquire of the Chairman as to the time remaining?

The CHAIRMAN. The gentleman from Alaska (Mr. YOUNG) has 15 seconds remaining; the gentleman from California (Mr. GEORGE MILLER) has 26½ minutes remaining; the gentleman from California (Mr. POMBO) has 6 minutes remaining.

Mr. POMBO. Mr. Chairman, I would like to ask my colleague from California to use some of his time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO), a member of the committee.

Mr. VENTO. Mr. Chairman, I rise in support of the bill. I want to commend our chairman, the gentleman from Alaska (Mr. YOUNG) and our ranking member, the gentleman from California (Mr. GEORGE MILLER).

I was pleased to work on the task force that came up with most of the provisions that are in this bill. It is a good product. Frankly, this is going to take us from standing still over the past decade really in terms of trying to deal with land use questions and landscapes and the preservation of them in this country, and to fulfill the responsibility to the States and to the Federal land management agencies.

The fact of the matter is a lot of bogus arguments have been thrown around here today. One of them is we have this vast, extended, expanding Federal Government in terms of the purchase of land. Well, the facts are quite different. In fact, we have been losing and giving away some of that land, rightfully so, I am not objecting to it, but even when we add in the Department of Defense and others, we have not been expanding that land base.

Secondly, we have 45 to 50 million acres of land that is public land that we have no access to. In other words, the only way we can get access to that land is to buy the easement to cross private land. We have major problems in terms of dealing with funding of the promises that we are making. Most of us get up and vote for a park, we vote for a monument, we vote for some other activity, but the fact of the matter is, within the boundaries of those parks and those monuments and forests that we have, they are private inholdings, and they cause us a great difficulty in terms of trying to administer these lands.

That means we need to put some dollars into the tank here to, in fact, fund the purchase of those easements so that we can use our public lands. We need to put dollars into the program so that we can buy the inholdings that are within parks that people want us to buy on a voluntary basis. We need to deal with buying some of the areas that are the riparian areas that are essential to the management of a unit. We have streams on many of the lands that have been selected by private individuals that perhaps will be purchased are lands that are essential to managing an entire unit. It might be a stream, it might be other factors.

So the issue here is that we have to keep the promises. It is nice to have the good intentions of our appropriators and others present on the floor and represented here today. I appreciate their good intentions. But what we really need is we need the dollars to fund the program and the promises that we made from the National Park System to the Forest Service, to the Fish and Wildlife Service, and to many others. After all, these are dollars that we have committed over 30-some years ago.

We said, when we use up a finite resource in terms of gas or oil revenues on the Outer Continental Shelf, we are going to bring some of those dollars back in and fund some programs that will help and be the legacy of future generation of our children. In the process, we are going to preserve these areas, we are going to conserve them, and we are going to provide the restoration. What could be more elemental in terms of fairness than providing the States that are enduring the problems of gas and oil development and the damage from that to correct that?

Mr. Chairman, that is what this bill does. It is a well-balanced bill. It is a bill that we should enthusiastically vote for and vote against the amendments that will unbraid the agreement that has been made here today, the mischievous amendments. Vote against the bogus arguments. Stand up for what our constituents want. I would bet that this is one of the more popular bills in terms of our constituents, in terms of dealing with parks, one of the best ideas America ever had.

Mr. Chairman, I rise in strong support of H.R. 701, the Conservation and Reinvestment Act (CARA), which would protect America's natural legacy today for tomorrow.

First, I would like to thank Chairman YOUNG and Representative MILLER for working together on this landmark legislation, which is one of the most sweeping environmental protection initiatives in twenty years. I would also like to acknowledge the broad base support of this bill including over 300 bipartisan cosponsors, all 50 Governors, states and local communities, leading parks, sporting, environmental, recreation and conservation organizations. This unusual consensus clearly demonstrates and punctuates the importance of this measure, which seeks to provide substantial, reliable, and necessary funding for our nation's resources.

H.R. 701 is the culmination of over several months of intensive negotiations involving myself and other members of the Resources Committee to develop a bill that will aid every state in its quest for resource and wildlife protection. I would like to point out to Members that in an effort to keep the bill together, we agreed to sound compromise language just this week before floor consideration. Specifically, moving the bill back to being on-budget and addressing statute language that could have potentially encouraged states to boost offshore oil production. The result today is legislation that empowers local communities to help fulfill the growing demand for park and recreation resources close to home. Whether it is the need for new soccer fields, wildlife refuges or picnic areas, this important funding will be there to help protect our outstanding national forests and lands. I am particularly pleased that this legislation could provide more than $38 million for Minnesota communities for new parks and recreation programs.

The concept that guides this measure is clear and workable, as the federal government leases off shore areas for oil and gas development using a finite natural resource that we invest a good portion of the revenues earned from such leases in the conservation preservation and restoration of our lands as a legacy for future generations. Today, by contrast, notwithstanding good intentions, we are losing our natural lands legacy. The best protection for existing landscape preservation is the fund to purchase such lands outright or the easement that will insure such conservation.

Specifically, this bill would provide a permanent annual fund to expand parks and recreation, preserve open space and farmland, protect wildlife and preserve historic buildings—our children's natural legacy. This dedicated funding would come from existing offshore oil and gas royalties and provide necessary dollars to environmental programs such as the Land Water Conservation Fund (LWCF).

Working for full funding of the LWCF and the other elements in CARA is critical in the government's role to aid in the preservation, conservation and restoration of landscapes surrounding our national parks and other conservation areas throughout the nation, and in protecting ecologically significant lands that are being lost to development each and every day. Unfortunately, funding for these programs have continually eroded to a point where the state portion of the LWCF has not received funds since 1995. So much for good intentions. H.R. 701 will fund the LWCF at its authorized level of $900 million, in addition to providing $125 million annually for urban parks and $150 million annually for conservation easements.

Moreover, this legislation will also disperse money to coastal states to offset the effects of offshore oil drilling and to restoration of landscapes and degraded coastal ecosystems activity.

Mr. Speaker, the constituents that we represent would place a very high priority upon the national, state and local landscapes embraced by this legislation. I dare say for many, the highest priority. The conservation of our landscapes and the development of parks for people is a uniquely American idea. This Congress and this generation of Americans must do our part to fulfill this vision and pass this bill and save our children's legacy.

I would strongly urge all Members to support H.R. 701 and oppose any reckless amendments that could potentially alter the

face of this carefully constructed bill and threaten our efforts in protecting the crown jewels—our pristine natural resources. H.R. 701 is a real commitment to future generations, funding and preserving their natural and historical inheritance.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I thank the gentleman for yielding.

I rise today in strong support of H.R. 701, the Conservation and Reinvestment Act. This is truly a historic moment, for this Congress, all of us, have a unique and singular opportunity to restore and safeguard our country's natural legacy. I also must first applaud the chief architects of the bill, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER). Not always of like minds, they came together on this measure because they both recognize the significant need for providing substantial and reliable funding for our Nation's resources.

I can also safely say that it is not often that the committee presents strong bipartisan support for a conservation bill, as we have in this case. H.R. 701 enjoys wide support also from all 54 governors, and it has been cosponsored by a majority of Republicans and Democrats.

Of course, any good bill must also have its opponents, and there are also disparate groups, such as the Sierra Club and anti-conservation groups, that have become strange bedfellows in their opposition. But most importantly, the people of this country, including those in my district, want this bill.

Two years ago, both our committee, as well as its Senate counterpart, held oversight hearings on the lack of funding since fiscal year 1995 for State grants. In my district, despite our local government's best efforts with limited resources, our local parks continue to be in very serious disrepair and our young people lack adequate recreational space.

As a strong believer in recreational programs as a way to channel the youth of our country into positive activities and in safe and well-kept parks as a way to bring communities together, I am especially pleased, therefore, that this bill would dramatically increase Federal spending on outdoor recreation facilities through the Urban Parks and Recreation Recovery Program.

Today, we can change the years of neglect, preserve important natural resources, and utilize them to improve the fitness and uplift the spirit of our people and revive the village that is America.

Mr. Chairman, I am very hopeful about the prospects of this bill before us today, and I urge all of my colleagues to support its passage.

We have been disappointed that over the past several years no funds have been appropriated for the UPARR program.

Two years ago, both this committee as well as its Senate counterpart, held oversight hearings on the lack of funding, since fiscal year 1995, for state grants. In my district, despite our local government's best efforts with limited resources, our local parks continue to be in very serious disrepair and our young people lack adequate recreational space.

As a strong believer in recreation programs as a way to channel the youth of our country into positive, healthy, constructive and nurturing activities, and in safe and well kept parks as a way to bring communities together, I am especially pleased, therefore, that H.R. 701 would dramatically increase federal spending on outdoor-recreation facilities through the Urban Parks and Recreation Recovery Program (UPARR).

Today we can change the years of neglect, preserve important natural resources and utilize them to improve the fitness and uplifts the spirit of our constituents and revive the village that is America.

I am very hopeful about the prospects of the bill before us today and I urge all my colleagues to support its passage.

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Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, I rise in strong and enthusiastic support of this historic measure. I believe it deserves the favorable vote of every Member of the House.

I want to also extend my gratitude to the chairman of the committee, the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for their leadership, creativity and persistence in shaping this bill.

This bill is a reflection of the promise of one of the wisest and most farsighted conservation measures ever, the Land and Water Conservation Act. The promise of that Act was that the Federal government, as it sold Federal nonrenewable resources such as oil and gas from the Outer Continental Shelf, that a major portion of those proceeds would be invested in conserving our lands and waters, and helping our local communities make similar investments.

Unfortunately, because of the problems over the last years with our budget deficits, we have been unable to meet those obligations. But now the budget situation is different, and we have a chance to make up for the shortfalls of the past and invest in our future.

There is much that this bill will help us accomplish. It will help communities respond to the challenges of growth and sprawl. It will help Colorado's ranchers and farmers, and those of other States, to keep their lands and agriculture through conservation easements and similar measures. It will help provide more resources to historic preservation all throughout our great country.

By bolstering the PILT program, we can help counties and local governments in areas where the Federal government is a major landowner, and we can do it the right way, by providing those funds are not tied to extractive or other uses of Federal lands.

Mr. Chairman, when we consider all that this bill will do for this country, I am convinced, as many of the previous speakers are, that this is one of the most important measures that we can undertake, not only this year but in any year. I strongly urge its passage. It reflects the spirit of the old saying, that we do not inherit the Earth from our parents; in fact, we borrow the Earth from our children.

Mr. Chairman, I rise in strong and enthusiastic support of this historic measure. It deserves the favorable vote of every Member of the House.

All of us are indebted to our Chairman, the gentleman from Alaska, and our ranking Member, Mr. GEORGE MILLER of California. Thanks to their leadership, creativity, and persistence in shaping this bill, we today have an opportunity to take a giant step toward fulfilling the promise of one of the wisest and most farsighted conservation measures ever—the Land and Water Conservation Fund Act.

The promise of that Act was that as the federal government sold non-renewable resources, particularly the oil and gas from the outer continental shelf, it would invest a major part of the proceeds in conserving our lands and waters and in helping our local communities to make similar investments.

Unfortunately, because of the budget problems of the past, for too long the Congress feel short of fulfilling that promise. But now our budget situation is different and we have a chance to make up for some of the shortfalls of the past and in fact to expand the benefits for our country.

By passing this bill, we can help our communities respond to the problems of growth and sprawl and to provide much-needed places for sports and outdoor recreation. We can help preserve our open spaces by acquiring inholdings in our parks and forest from people who want to sell. We can help protect threatened by endangered species, and can assist our state wildlife agencies to manage the fish and wildlife resources that are so important to Colorado and the rest of the nation.

We can help Colorado's ranchers and farmers—and those of other states as well—to keep their lands in agriculture through conservation easements and similar measures that enable them to reap some of the benefits of increased land values without having to sell them to developers.

By greatly increasing the resources of the Historic Preservation Fund we can help preserve the irreplaceable historic legacy of Colorado and our nation—saving historic landmarks, attracting private investment, and helping bring economic vitality to historic sites Gilpin, Clear Creek, Adams, and Jefferson Countries and to neighborhoods in Boulder, Arvada, and countless other communities in Colorado and across the continent.

And by bolstering the PILT program, we can help the counties and other local governments in areas where the federal government is a major landowner and we can do it the right way, by providing funds that aren't tied to timber sales or other uses of the federal lands

and without making the local communities hostages to the debates over timber harvests or other extractive uses.

Mr. Chairman, I recognize that some Members have concerns about the bill. I am sure that we will hear more about that during the course of the debate on the bill and amendments that may be offered. And, after all, there is no perfect legislation.

When you consider all that this bill would do for our country I am convinced that it is one of the most important measures not just of this year but of many years to come. I strongly urge its passage. It reflects through action the spirit of the saying we don't inherit the earth from our parents. we borrow it from our children and I attach letters of support from the Executive Director of the Colorado Department of Natural Resources and the Chairman of the Colorado Wildlife Commission.

Mr. Chairman, I include for the RECORD the following documents:

STATE OF COLORADO,
Denver, CO, May 5, 2000.

Hon. MARK UDALL,
House of Representatives, Cannon HOBT, Washington, DC.

DEAR CONGRESSMAN UDALL: I want to thank you for prior support of HR 701, the Conservation and Reinvestment Act (CARA), and I urge you to support its final passage. Enactment of CARA is the single most effective step Congress can take to minimize the need to list declining species under the Endangered Species Act. HR 701 offers the diverse interests of our states and communities the non-regulatory tools they need to collaboratively conserve fish and wildlife, and the habitat the species depend upon, before the restorations of the Act force desperate and far more costly attempts to reverse their decline.

HR 701 invests in wildlife conservation; PILT payments; open space; farmland and historic preservation; recreation; federal, state and local parks; endangered species recovery; and landowner incentives. At the same time, HR 710 provides private property owners protection that do not now exit when Congress and federal agencies set priorities for the federal side of the Land was Water Conservation Fund, and brings balance to the federal and state side of the program.

For the reasons, Governor Bill Owens has endorsed the passage of CARA. He and I would appreciate your continued support of this historic legislation.

Sincerely,

GREG WALCHER,
Executive Director.

STATE OF COLORADO,
DEPARTMENT OF NATURAL RESOURCES,
DIVISION OF WILDLIFE

COLORADO WILDLIFE COMMISSION RESOLUTION

CONSERVATION AND REINVESTMENT ACT

Wheras, Colorado's population growth and land use changes are having a tremendous impact on Colorado's game and non-game wildlife populations, and

Wheras, Colorado faces increasing challenges in maintaining high-quality wildlife recreational opportunities throughout the state, including habitat loss, mule deer decline, whirling disease and other factors, and

Wheras, Colorado currently lists twenty species as endangered, twelve as threatened, and 41 under special concern, and

Wheras, the Colorado Division of Wildlife has been at the forefront of efforts to prevent the decline of wildlife species, thereby avoiding expensive, crisis-oriented management of Threatened and Endangered Species, and

Wheras, license buying hunters and anglers have provided the vast majority of financial support for the DOW's wildlife programs, including game and non-game programs, and

Wheras, the DOW and the Wildlife Commission have recognized the importance of developing additional alternative sources of funding for the broad array of programs demanded by the public, and

Wheras, the House Resources Committee has reported H.R. 701 to the United States House of Representatives for action, and

Wheras, the proposed legislation, if enacted, would provide a significant and much-needed boost in funding for Colorado's wildlife programs, and

Wheras, H.R. 701 is the product of extensive negotiations and includes critical new funding for wildlife programs, the operation and maintenance of federal lands, conservation easements and endangered species recovery efforts, and

Wheras, H.R. 701 also includes important provisions to provide private landowners with a higher level of protection than they receive under current federal law, and

Whereas, Governor Bill Owens, Department of Natural Resources Director Greg Walcher, along with sportsmen and conservation groups such as the Colorado Bowhunters Association, Colorado Wildlife Federation, and local chapters of Trout Unlimited, the Audubon Society and the Wildlife Society are among the 3000 organizations nationwide that support federal legislation—H.R. 701—known as the Conservation and Reinvestment Act (CARA);

Now, Therefore, Be It Resolved that the Colorado Wildlife Commission endorses the proposed federal legislation and urges the 106th Congress to pass H.R. 701 at the earliest opportunity, and

Be It Further Resolved that the Colorado Wildlife Commission commends Governor Owens, DNR Executive Director Greg Walcher, the outdoor recreation and conservation groups who have endorsed CARA, and the members of Colorado's congressional delegation who have actively supported H.R. 701, and

Be It Further Resolved that the Colorado Wildlife Commission urges all members of Colorado's congressional delegation to support, cosponsor and help pass legislation to establish the critical wildlife, habitat protection and outdoor recreation funding programs called for in CARA, and

Be It Further Resolved that copies of this resolution shall be sent to members of Colorado's congressional delegation and wildlife conservation groups throughout the state.

Adopted by the Colorado Wildlife Commission on May 5, 2000, Sterling, Colorado.

BERNARD BLACK,
Chairman, Colorado Wildlife Commission.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I thank my colleague for yielding time to me.

I hate to say is this, but listen to this quote. This is from the co-founder of Earth First. This is what he says: ''It is not enough to preserve the roadless, undeveloped country remaining. We must recreate wilderness in large regions, move out the cars and the civilized people, dismantle roads and dams, reclaim the plowed lands, clearcuts, and reintroduce the extirpated species.''

They want to get rid of the people, get rid of cars, bring back the species, get rid of everything. In short, as humans, we do not even have a right to this land. Now the CARA bill is simply making their work easier.

We can come on the floor and say this is a great bill, but frankly, we are not at the point where we can authorize more money because we are not even taking care of the land we now have. That is embarrassing. Almost one-third of the land in America is owned by the Federal government. If we add local and State government lands together, that percentage reaches 42 percent. Should half of us move?

The CARA bill will not only fund the LWCF trust fund, the key vehicle for land acquisition, at $900 million, but most of the trust funds created by the other titles can also be used for land acquisition. That totals almost $2 billion. That means that State and local governments will have unprecedented amounts of Federal money to buy more private land. We can couple this with the Clinton-Gore acquisition plan, right?

The second reason I am against this is because this bill allows the government to circumvent our existing programs, conservation needs. Both the National Park Service and Forest Service have reported billions of dollars in backlogged maintenance requests. So why are we adding more money when we have this huge backlog of maintenance requests?

Mr. Chairman, as summer approaches, our parks will again swell with families and individuals enjoying our parks. But look closer and we will see crumbling facilities, deteriorating paths, families being turned away because the parks are unable to handle them.

I encourage my colleagues, let us use some common sense here. Vote against this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), a member of the committee.

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

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in strong support of H.R. 701, the Conservation and Reinvestment Act. I want to commend our chairman, the gentleman from Alaska (Mr. YOUNG) and our ranking member, the gentleman from California (Mr. GEORGE MILLER), for the time they spent personally working on the really difficult issues which needed to be resolved in bringing this bill to the floor.

I certainly also want to commend and credit our colleagues, the gentleman from Michigan (Mr. DINGELL), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Minnesota (Mr. VENTO), the gentleman from Louisiana (Mr. JOHN), the gentleman from New Mexico (Mr. UDALL), and the gentleman from Colorado (Mr. UDALL), for all the time they have devoted in working out the details of this bipartisan legislation.

Mr. Chairman, this bill encourages the continuation of State and local funding for conservation programs. Generally, the State governments will have to continue local funding at existing levels to be eligible for Federal funding. This ensures that there is substantial local support for these programs.

Mr. Chairman, the bill also provides funding for Federal and Indian land restoration and for the Payment in Lieu of Taxes program. Again, the additional funding for the PILT program is done to assist local governments who have lost some of their tax base through the increase of Federal lands.

While I would have liked to see more than $20 million per year go to the restoration of American Indian lands, I am very appreciative that we are recognizing this need. Grants will be awarded by the Department of the Interior on a competitive basis, and no single tribe can receive more than 10 percent of the allocation in each fiscal year.

Mr. Chairman, I can understand and appreciate the concerns of the members of the Committee on the Budget and the Committee on Appropriations subcommittees, and their desire to allocate our funds each year. But given the 315 cosponsors of this legislation and the support garnered by the transportation bills, I can only suggest that, as a body, we are really ready to address certain needs more proactively.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. Chairman, I rise today in strong support of H.R. 701, the Conservation and Reinvestment Act, and I want to commend Chairman DON YOUNG and Congressman GEORGE MILLER for their leadership and the enormous time they spent personally working on the really difficult issues which needed to be resolved to bring this bill to the floor. I also want to credit our colleagues Mr. DINGELL, Mr. TAUZIN, Mr. VENTO, Mr. JOHN and Mr. TOM and MARK UDALL for all the time they devoted to working out their details on this bill.

For decades Congress has been struggling to balance our nation's desire to preserve the natural beauty of our country, against our desire to develop and expand our economy, and provide for our growing population. Many of us would like to see additional land set aside for the public as we are concerned that if we don't take steps now to preserve the land available, there won't be much left to preserve, and the land that will be available will be prohibitively expensive to acquire. This legislation puts us in a position to set lands aside for parks, forests, agriculture and other public uses.

It is my understanding that the Department of Commerce is concerned with certain provisions of Title I of this bill because of certain existing authority of the Department would be effectively transferred to another federal agency. I do not believe it is the intent of this legislation to alter any existing authority regarding the management of our commercial fishery resources and I hope this intent is clarified either in the Senate or in Conference Committee.

Mr. Chairman, H.R. 701 is opposed on both the left and the right. One environmental group, for example, opposes the bill because it threatens our coastal environment with incentives for new offshore oil and gas leasing in some sensitive coastal areas. Even with the proposed managers' amendment to address this issue, they have concerns.

On the other side, the bill is opposed by the so called ''budget hawks'' because it will earmark money every year for the acquisition and maintenance of public areas. This will not be all for federal land, mind you, as a sizable portion of the funding will be available for state and local governments to preserve important lands.

In response to these arguments, I can only say that I often hear the statement that we need to send funding and control of that funding to the state and local governments. This bill does that, yet the same people who generally support state's rights are now saying that we can't trust state and local governments to use wisely the money that Congress provides. I also know that there are others who say we can't trust the state and local governments, but it's for just the opposite reason. This bill strikes a delicate balance—federal agencies will get some of the money, as will state and local governments. No one is going to force any government to spend the money. If any local government believes it is better off leaving private lands private so it can continue to collect property taxes on those parcels, no new land will be acquired.

Additionally, no one is going to be forced to sell private land to any level of government. The bill balances this also so there will only be willing sellers. But I don't want to dwell on land acquisition, as the bill does so much more.

Mr. Chairman, this bill encourages the continuation of state and local funding for conservation programs. Generally, a state or local government will have to continue local funding at existing levels to be eligible for the federal funding. This ensures that there is substantial local support for these programs.

The bill limits the amount of funding which can be used for administrative purposes to no more than two percent, thereby ensuring that the money is used for the purposes intended.

The bill establishes a Coastal Impact Assistance and Conservation Fund to help coastal states mitigate the various impacts of offshore drilling and other OCS activities, and provides for the conservation of coastal ecosystems. Given the number of Americans that live close to our coasts, the number of people who continue to move to these areas, and the number who travel there for vacations, we need to do a better job of preserving our coastal areas, or they will lose those qualities which we now find so attractive.

Most of us, I think, support the Land and Water Conservation Fund, and even though it is authorized at $900 million per year, appropriations have averaged only one-third of that. This lack of funding is not the fault of the Appropriations Committee, for it is we as a body who set the funding levels with which they must operate. This bill is our chance to fully fund this popular program.

H.R. 701 also provides additional funding for wildlife conservation and restoration. There will be $350 million dedicated to the ''Pittman-Robertson'' wildlife conservation and restoration program, which provides for the conservation of all animals.

The bill also balances benefits to urban and rural areas. To ensure our urban areas benefit, funding is dedicated through the Urban Parks and Recreation program to be administered by the Department of the Interior.

The Historic Preservation Fund is another popular program which benefits all our districts. We are not now adequately funding this program, and even with the $100 million per year dedicated from the CARA fund under this bill, it is still not enough, but it is a good start.

For those concerned about our loss of farm land, this bill provides $100 million per year from the CARA fund for the protection of prime farm, ranch and forest lands by limiting the non-agricultural uses to which these lands could be put. There is money in this fund to provide incentives for private landowners to aid in the recovery of endangered and threatened species. This should be welcomed by those who believe the Endangered Species Act is too protective of every species but the human species.

The bill also provides funding for federal and Indian land restoration and for the Payments in Lieu of Taxes program. Again, the additional funding for the PILT program is done to assist local governments who have lost some of their tax base through the increase of federal lands.

While I would like to see more than $20 million per year go to the restoration of American Indian lands, I am very appreciative that we are recognizing this need. Grants will be awarded by the Department of the Interior on a competitive basis, and no single tribe can receive more than 10% of the allocation in any fiscal year.

Mr. Chairman, I can understand and appreciate the concerns of the Members of the Budget and Appropriations Committees and their desire to allocate funds each year. Perhaps in theory we should not have to enact legislation like this bill and recent major transportation authorization bills. But, given the 315 cosponsors this bill has, and the support garnered by the transportation bills, I can only suggest that as a body we are ready to address certain needs more proactively.

Perhaps several years down the road, we will want to adjust the priorities we are setting today. Perhaps as our economy changes we will want to use our OCS money differently. But for today, I believe this compromise bill will set the standard not only for our country, but for other countries too. For if we expect other countries, most of which are not in as good an economic position as we are, to preserve their forests and other natural areas, we should be taking the lead.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. LAZIO).

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from New York (Mr. LAZIO) is recognized for 15 seconds.

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

Mr. LAZIO. Mr. Chairman, I rise in strong support of this terrific legislation.

Let me ask my colleagues for three things: First, let us not destroy the good in the name of perfection; second, let us look at the strong protections

within this bill; finally and most importantly, let us consider our children. Let us leave them something of which we can be proud. Let us make sure we can demonstrate that the spirit of Teddy Roosevelt lives on in this body today.

Mr. Chairman, I rise today in support of CARA. I applaud Chairman YOUNG and ranking member MILLER for crafting this historic piece of legislation.

Mr. Chairman, I stand here today with my two young daughters in mind. As a result of our vote today, they and thousands like them will be able to enjoy the great American outdoors long into the future.

They can expect to enroll their children in little league and find a field available. They can expect to take their kids for a walk in the woods and see the joy on their kids' faces as they spot one of nature's creatures.

I find it fitting that 100 years after my fellow Long Islander, Teddy Roosevelt, put in place the basic elements of our nation's conservation program, today we are continuing the tradition. In TR's time, we declared the frontier closed. Today, we declare it open and available for the enjoyment of our future generations.

My district provides compelling examples of the dire environmental problems that this funding is intended to address. I represent a coastal district. With the funding afforded by Title I, we look forward to working with New York State to clean up the South Shore Estuary.

This enjoys widespread support on Long Island. Cleaning this body of water would be a fitting tribute to the conservation goals of this bill. But for us to realize our goals, we need to respect the delicate balance of the issues this bill addresses.

As we consider this legislation, I ask three things. First, let us not destroy the good in the name of perfection. Second, let us look at the protections within this bill.

Finally and most importantly, let us consider our children. Let us leave something to our future generations which we can be proud. Let us demonstrate that the spirit of Teddy Roosevelt lives on in this body today.

Let us support CARA and let us not support amendments designed to undercut this important legislation. Again, I thank the chairman for bringing this monumental bill forward for consideration.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), without whose cooperation and reputation the meetings by which this bill emerged probably would never have happened. I thank him for that.

Mr. DINGELL. Mr. Chairman, I thank the distinguished gentleman from California for his kind words.

I want to pay tribute to him for his fine leadership in this matter. This has been a team effort.

I also want to pay a particularly friendly tribute to my old friend, the gentleman from Alaska (Mr. YOUNG), chairman of the committee. He and I have worked together on conservation matters for about 40 years. He has never been found wanting where there was an important, a wise, and a necessary action in the field of conservation.

This body and the Nation owe him a great debt for his wisdom, his balance, his judgment, his courage, and his integrity. I am an admirer of his, and I salute him for what he has done on this matter.

I also want to pay tribute to my good friends, the gentlemen from Louisiana, Mr. TAUZIN and Mr. JOHN, who have done a great deal of work to bring us to where we are.

The gentleman from California (Mr. POMBO) is not always in agreement with us on this bill, but I want to say that he has done a great deal to improve it from the standpoint of the property owners. It is a better piece of legislation from their standpoint by reason of the enactment of this legislation and by reason of the fact that we have worked together.

I want to say a word of tribute to the gentleman from New Mexico (Mr. UDALL), who is the other among us who worked so hard to bring us to where we are.

We have here a good bill. It is a bipartisan bill. It is perhaps the most bipartisan piece of legislation that we will see in this Congress. It is one on which a lot of people have worked together to iron out differences to come forward with a piece of legislation upon which they could agree.

Is it perfect? No. No piece of legislation is. Is it good? Yes. It is better than that, it is very, very good.

I would call the attention of my colleagues to a fact. In 100 years this Nation, at the end of this century, will have 370 million people. We are going to be crowded out at the seams. It is going to be a terrible place if we do not do something to begin to save open spaces, to preserve places where people can recreate and enjoy, and where we can actually say that this generation, who are the conservators of the land for the future and who are the people who are borrowing this land from those who will follow us, have done the job that we needed to do and we should have done to provide for the quality of life which all of us have known as we have grown up and as we have lived here. This is an enormous challenge, but this legislation provides the money in all areas.

I have heard some talk and some complaints about what this is going to do to the West. I do want my colleagues to know that the Western Governors have come out and said something. I want Members to hear it, because they are not people who are not sensitive to the needs and concerns of the people they serve.

Here is what they said at the Western Governors Association, Benjamin Cayetano and Dirk Kempthorne from Idaho, a former colleague of ours in the Senate:

''CARA makes good economic, ecological and political sense. On behalf of the WGA, we urge you to vote in favor of H.R. 701,'' and a similar statement on behalf of all of the Governors.

I urge my colleagues to endorse this legislation. It is important, it is good, it is in the public interest, and future generations will thank us.

Mr. Chairman, today is landmark day in the history of American natural resource protection.

Today, we have before us H.R. 701, the Conservation and Reinvestment Act, or ''CARA''. It is the product of bipartisan cooperation, compromise, and just plain hard work. Writing major legislation is never easy, and I am not aware of any significant environmental bill that passed without rigorous debate. However, I consider it a privilege to stand before you today in the company of my colleagues who have contributed to much of this effort.

Chairman YOUNG deserves our credit and thanks for the courage, strength and leadership he has demonstrated time and again during the past two years. His Ranking Member, GEORGE MILLER, came to the table and found a way to seal and hold the deal. It wasn't so long ago that people said such a deal could never be done. But now that folks on both sides of the environmental movement are finished scratching their heads, they've rallied around CARA because it's needed, it's sound, it's bipartisan, and it's affordable. DON and GEORGE have done a masterful job of holding together the CARA coalition. Their work deserves the support of every member of this body.

I also want to thank the other Members who devoted scores of hours to creating CARA, including Rep. BILLY TAUZIN, Rep. CHRIS JOHN, Rep. BRUCE VENTO, Rep. TOM UDALL and more than 300 colleagues who have ratified our work with their cosponsorship. I also want to thank the many organizations who have endorsed CARA, sent us letters and cards, made phone calls, and made sure that citizens' voices were heard throughout this process. In particular, I would like to recognize for their activist leadership Americans for Our Heritage and Recreation, the Trust for Public Lands, The Nature Conservancy, the International Association of Fish and Wildlife Agencies, the National Recreation and Park Association, the Izaak Walton League, the Sporting Goods Manufacturers Association, The National Wildlife Federation, the Outdoor Recreation Coalition of America, the Wilderness Society, Ducks Unlimited, and the Coastal States Organization for their hard work and dedication throughout this process.

Mr. Chairman, some people will assert that this bill is some sort of ''huge federal land grab'', that it ''breaks the Federal Treasury''; that it ''removes local control.'' Such contentions are nonsense. We do not pretend to have crafted the perfect bill. And I'm certain that there will be good changes made before it is signed into law. My hope is that we resist the temptation to hastily make a good bill perfect, and instead allow the legislative process to do its job.

What does CARA mean for the Nation? It means a renewal and extension of a commitment made by Congress more than a generation ago to reinvest federal revenues from outer continental shelf oil and gas production in our public lands, their maintenance and care. It also means meeting our standing commitment to historic preservation, while making new investments in coastal protection, wildlife, urban and suburban parks, and other modest programs which make will make a real difference when combined with state and local

efforts to make our towns and cities more livable places. Every state benefits greatly by the passage of this legislation. I expect that by the time this legislation is enacted, some states may benefit even more.

CARA is widely backed by thousands of organizations—large and small—and by individuals who care about access to green space and recreation in places near and far from home. Today's Detroit Free Press, representing the views of many positive newspaper editorials around the country, said it best: ''For folks who may rarely or never see a monumental piece of national land, it will be like bringing a monument home.'' To my colleagues who haven't read their hometown papers yet today, I urge you to look carefully. You'll probably find similar sentiments from your own editorial boards which know how much our hikers, bikers, little league players, and their mothers and fathers value the resources CARA will provide.

In my own state of Michigan, we can expect an investment of $59.9 million each year during the life of CARA (2001–2015). This includes $19 million for our coasts, $16 million for the Land and Water Conservation Fund, $11 million for wildlife, $5 million for urban and suburban parks, $2 million for maintaining our public lands, and more than $5 million to make sure local governments with federal land are helped with any revenue loss through the PILT and Refuge Revenue Sharing programs.

Michigan received 208 acquisition applications totaling $123 million for the years 1995–1999. Only half of those projects could be funded. For development projects, the record is even worse, with only $41 million dollars available for $306 million worth of requests. The Mayor of my largest city, Mayor Michael Guido of Dearborn, made a strong and succinct case in a recent letter to me: ''With your leadership, America can begin the 21st Century—as it began the last—in the spirit of President Theodore Roosevelt, with a permanent investment in our nation's parks and natural heritage.''

These same sentiments have been expressed by thousands of other mayors, almost all our Governors, our counties, the U.S. Chamber of Commerce. We should pass this bipartisan bill with a resounding vote, send it immediately to the Senate, and let's finish the 20th Century with as strong an action for conservation as that taken by Teddy Roosevelt 100 years ago.

Mr. Chairman, I include for the RECORD the news release and letter from the Western Governors Association:

NATIONAL GOVERNORS' ASSOCIATION,
May 9, 2000.

GOVERNORS URGE STRONG CONGRESSIONAL SUPPORT FOR CONSERVATION LEGISLATION

Washington, D.C.—The nation's Governors today called on the U.S. House of Representatives to overwhelming support landmark conservation legislation, H.R. 701, the Conservation and Reinvestment Act (CARA) of 1999. This bill would invest approximately $3 billion annually in state, federal, and local conservation programs such as coastal impact assistance and conservation, the Land and Water Conservation Fund, wildlife conservation and restoration, and the Urban Park and Recreation Recovery Program.

''This legislation is one of the Governors' top priorities,'' said NGA Chairman Utah Governor Michael O. Leavitt. ''Its passage will provide us with a stable, long-term source of funding for vital conservation efforts. More important, it will strengthen Governors' efforts to protect our natural treasurers, for our children and for future generators. We urge the House to strongly support CARA and send it to the Senate for quick action.''

On May 8, the nation's Governors sent a letter to all House Members urging them to vote for this bipartisan bill, saying: ''The Governors are united in our belief that when nonrenewable resources belonging to all Americans are liquidated, some of the proceeds should be reinvested in assets of lasting value.''

More than $4 billion in royalties from oil and gas leases on the outer continental shelf (OCS) are paid into the federal treasury every year. CARA would use a portion of those funds for their intended purpose: to invest in state conservation activities. Congress has not appropriated funds from OCS revenues to the states for many years. In particular, CARA includes $450 million per year for the statewide Land and Water Conservation Fund.

H.R. 701 would provide funding for the following programs, on an annual basis:

Coastal Impact Assistance—$1 billion;

Land and Water Conservation Fund—$900 million;

State Wildlife—$350 million;

Urban Parks—$125 million;

Historic Preservation—$100 million;

Federal and Indian Lands Restoration—$200 million;

Conservation Easements and Endangered and Threatened Species Recovery—$150 million.

WESTERN GOVERNORS' ASSOCIATION,
May 9, 2000.

DEAR WESTERN HOUSE MEMBER: We urge you to support passage of HR 701, The Conservation and Reinvestment Act (CARA), when the full House of Representatives considers the bill this week. The bill takes a long step toward fulfilling many of the Western Governors' Association's longest held policies, and, therefore, is one of the most important bills to come before the second session of the 106th Congress.

Enactment of CARA is the single most effective step Congress can take to stem the growing need to list declining species under the Endangered Species Act. HR 701 offers the diverse interests of our states and communities the non-regulatory tools they need to collaboratively conserve fish and wildlife and the habitat the species depend upon before the restrictions of the ESA force desperate and far more costly attempts to reverse their decline. The governors have noted since 1992 that insufficient funding has prevented effective implementation of the ESA. Title VII enables landowners to be effective stewards even when the agricultural economy is in a downturn. And, Title III will finally enable the federal government to help states implement the pro-active conservation strategies that they have been carrying out, for the most part, on their own.

CARA invests in conservation by permanently appropriating a portion of the wealth the nation derives from its depletion of nonrenewable resources. HR 701 invests in coastal conservation and impact assistance, which the WGA has advocated since the last 1980s. The bill also directs these revenues to county payments-in-lieu-of-taxes; open space; farm, forest and ranch land; historic preservation; recreation; and federal, state, and local parks. These permanent appropriations should be offset in a manner that follows sound public policy and not with reductions in other vital state interests, public service and environmental protection.

Of particular note, the bill brings the state and federal side of the Land and Water Conservation Fund (LWCF) into balance, following years of neglect of the 50 percent matching grants program. Western governors have sought this change since 1991. As the same time, Title II would provide private property owners with protections that do not now exist when Congress and federal agencies set priorities each year for the federal side of the LWCF. The title also requires federal agencies to consider eastments and land exchanges as an alternative to acquisition. It protects state water rights and places priority on addressing he needs of inholders.

CARA makes good economic, ecological and political sense. On behalf of the WGA, we urge you to vote in favor of HR 701.

Sincerely,

BENJAMIN J. CAYETANO,
Governor of Hawaii, Chairman.

DIRK KEMPTHORNE,
Governor of Idaho, Vice Chairman.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, let me just summarize what I have in my prepared statement today. I think the Congress has an historic opportunity today to pass this superb piece of legislation. I think that when we do, that it will be placed right next to the import of the Clean Air Act and the Clean Water Act in terms of its effect for our great Nation.

The Land and Water Conservation Fund has done many great things for our country, but Congress really gave up on its promise. This is a renewal today of what we promised a long time ago. We will have the funds to protect, to preserve, and even the naysayers will be able to take their children and their grandchildren to the open spaces, to the parks, and to the lands that are going to be set aside for the betterment of humankind in our country.

I think this is an enormous step that the Congress is taking today. I urge my colleagues to support it. Every part of this bill really speaks to the values that the people that I represent hold.

I want to pay special tribute both to the chairman of the full committee and to the individual that we like to call our golden bear with a heart, the gentleman from California (Mr. GEORGE MILLER). We thank them for their superb work. I urge Members to support the legislation.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

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

Mr. DOOLITTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have profound regard for our chairman and for all the members of our Committee on Resources, but give me a break. We already have one-third of the entire land

base in the country owned by the Federal government. Now they are asking us to appropriate $900 million or more annually to buy more of it.

We are not good managers in the Federal government of the land we already have. There is a $12 billion backlog in maintenance already. I ask Members to visit their National Parks and check out the condition of some of the facilities. Whenever we raise this with the Park Service bureaucrats, the answer we get back is, oh, gee, we do not have enough money. Now we are going to give even more money to buy more land.

This bill does put some money in for maintenance, that is true, but it puts nearly three times as much money into new land acquisition. Once that land is acquired, it has to be maintained. We are doing a terrible job of that as a Federal government.

One illustration, the General Accounting Office said that there are 39 million acres of Forest Service land that are at extreme risk of catastrophic forest fire. That is because that land is not being managed properly. Now we are going to add to the general burden all of this new land that we are bringing into it.

We used to talk about the idea that we ought to have no net gain in acquisition of land. If we are going to acquire some sensitive land, then we ought to divest ourselves of other lands of equal value. Instead, we are setting up a system that is biased in favor of more land acquisition, and instead of being one-third of the land mass, we are going to see this amount steadily creep up.

I think we are going in the wrong direction. For that reason, I am going to have to oppose this bill, and urge my colleagues to do likewise.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding time to me.

Unlike my friend, the gentleman from California (Mr. DOOLITTLE), the public sets a very high priority on the protection and public maintenance of our green infrastructure.

□ 1815

The gentleman from Michigan (Mr. DINGELL) had it right. We are losing the battle and we do not have to wait until the turn the century and the doubling of our population. Between 1992 and 1997, we lost 16 million acres, an area approximately the size of West Virginia, to development. The public is starting to move at the State and local level. They passed 379 initiatives for over $8 billion in the last 2 years. It is time for the Federal Government to do its part being a better partner in that process.

The funding of CARA is a good start with historic preservation of urban parks, Native American land and allocating $150 million to conservation easement and species recovery. These long-term investments will add valuable to our communities. They are, in fact, financed on just the interest on the $13 billion in the trust fund right now.

Mr. Chairman, it is time for the Federal Government to be a better partner for liveability. The passage of this bill is a good start.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI) who has been waiting so patiently.

Mr. BALDACCI. Mr. Chairman, I thank the ranking member for yielding me the 1 minute.

Mr. Chairman, I would like to thank the gentleman from Alaska (Mr. YOUNG), chairman of the committee, for crafting such a fine piece of legislation and for working with the ranking member and the other people here in the Congress, because this certainly is landmark legislation.

I am very pleased to support this. I am very pleased to cosponsor this. This is going to make a tremendous impact in Maine. We have been looking at this legislation and, given Maine's heritage of outdoor recreation, its efforts of resource conservation and its belief in property rights, I have carefully reviewed this legislation to ensure that it meets the needs of the State and its people.

Mr. Chairman, as a good friend of mine, George Smith, who heads up the Sportsman's Alliance of Maine said and observed that, ''This could fund conservation easements that keep our lands intact, undeveloped and available for hunting, fishing and other recreational uses while still productive, in private hands, and on the tax rolls. That's a win-win situation for everyone.''

Mr. Chairman, I would like to thank the gentleman from Alaska (Mr. YOUNG) for his hard work and working with the gentleman from California (Mr. GEORGE MILLER), our ranking member, and others to craft this landmark legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise as a proud cosponsor of H.R. 701. This bill will improve funding for conservation programs by purchasing and protecting environmentally sensitive lands as well as other conservation and recreational programs.

This bill will provide $141 million annually to the State of Florida and many of the funding initiatives in this bill, such as the park acquisition and maintenance and urban recreation, will have a great impact on Florida and my district. This is extremely important to Florida's environment and is critical for preserving places like the Timucuan Preserve in Jacksonville, which is a legend of the work by my predecessor, Charlie Bennett.

Mr. Chairman, I know there are critics out there, but this bill is necessary for places like Florida that have precious ecosystems that need to be preserved in a period of extreme urban growth. Our local and State governments in Florida have made a great effort toward preserving our sensitive land, and this bill will be an enormous benefit for all of us. These monies will also allow us to promote assets such as urban fishing to serve ethnic and minority populations that would not have the resources to reach out in the past.

Mr. Chairman, this is an important bill and I urge my colleagues to vote for it.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I rise in support of H.R. 701. I have the privilege in the House of serving as the cochair of the Congressional Sportsman Caucus, and one of the things that we do is we watch out for conservation and hunting and fishing legislation in this Congress.

This is a bill that is a good bill, and I commend the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) and all of the others for the hard work in putting this together.

In Minnesota, before I was in the Congress, I had the opportunity of serving on a similar committee in Minnesota. We have a permanent source of funding in Minnesota similar to what we are doing here today. It works, and we are known in the country as one of the places where we have great conservation and hunting and fishing. This is going to do the same thing all over the country.

This is the right thing to do. It is not perfect. All of us would like to see other things in it, but it is a great piece of legislation and our kids are going to thank us for it. I ask everyone to support H.R. 701, and I commend everyone for working on the legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I rise in strong support of the Conservation and Reinvestment Act. I compliment the gentleman from Alaska (Mr. YOUNG) and the gentleman from California, the ranking member, for their leadership.

Mr. Chairman, it has been said that if we restore a river, we restore the community. I believe it is also true if we save open space, we save the soul of a community. We save the quality of life of that community.

It is happening around this country. It is happening in a bipartisan fashion.

My predecessor in this job, John Fox, and I served together, before either one of us were Congressmen, as county commissioners in Montgomery County, Pennsylvania. We started an Open Space Program that is still going strong in Montgomery County. The capital budget in my county this year, 25 percent of it is dedicated to buy open space. In Montgomery County, there is a Schuylkill River Greenway Association trying to restore the Schuylkill River to create recreational paths, greenways, to create parkland along the river, and to encourage retail and residential use of the river.

These are appropriate and important things for us to do, and this bill continues our dedication to environmental protection.

Mr. GEORGE MILLER of California. Mr. Chairman, if I might inquire as to the time remaining.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) has 8½ minutes remaining. The gentleman from California (Mr. POMBO) has 2 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time, and I too want to add my applause to the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for putting together such an important piece of legislation.

Across this great Nation, sprawl is crowding our streets, destroying our open spaces, polluting the air we breathe and the water we drink. Almost all of America is experiencing remarkably similar patterns of growth, a rapid conversion of farmland and open space to a dizzying array of housing subdivisions, shopping centers and office parks.

In New Jersey, the State and most of the towns in my district have made a commitment of tax dollars to acquiring open spaces. In New Jersey we have 8 million people living in just 8,000 square miles. Conversion of farmland and open space to development has doubled in recent years.

Mr. Chairman, it is clear that now is the time to make open space preservation a national priority to protect the American ideal of wide-open spaces. The need to preserve goes beyond the supply of State and local funds, and that is why we need to pass the Conservation and Reinvestment Act, the most sweeping commitment to the protection of America's public land, marine and wildlife sources in over a generation. This is important legislation. We need it.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time, and I rise in opposition to H.R. 701.

Mr. Chairman, all members who care about fiscal responsibility should oppose this legislation on budget grounds alone. It continues the dangerous trend of putting more and more spending on automatic pilot outside the regular appropriations process.

According to the Congressional Budget Office, H.R. 701 would increase mandatory spending by $7.8 billion over the next five years without offsets as required by our budget rules. The spending in this bill places yet another claim on the projected budget surplus before we have established a plan to pay off our debt and deal with the challenges facing Social Security and Medicare.

While I commend the gentleman from Alaska and California for doing something about the lack of resources for things like coastal restoration and preservation of our historic treasures, I am also disappointed by the way they're gone about providing funding for these areas. By providing a mandatory spending stream outside of the appropriations process, we're shortchanging important conservation work, not to mention other priorities such as prescription drug coverage, veterans' healthcare or rural development funding.

For those of you who want more acreage in the Conservation Reserve Program and the Wetlands Reserve Program, you're made that even harder by taking this money out of the normal appropriations process and ensuring that the programs funded by H.R. 701 receive a higher priority than CRP or WRP.

You've also ensured that the 1500 small watershed projects needing nearly $1.5 billion in funding will continue to wait. Not to mention diminishing the chance of providing discretionary funding for the needed $500 million in rehabilitation work on existing PL–566 structures.

For those of you who've sent letters to your constituents telling them that you'll be working for more funds for the Environmental Quality Incentives Program (EQIP), you'll have to change that response if you support H.R. 701. The agriculture subcommittee once again limited the amount of funding available in EQIP to provide spending for other agriculture programs as they struggle with unrealistic spending allocations.

I appreciate that the Chairman and Ranking Member of the Resources Committee were able to accommodate the Agriculture Committee's concerns about establishing a new conservation easement program at the Department of the Interior instead of utilizing the existing Farmland Protection Program. The Farmland Protection Program operated by the Department of Agriculture's Natural Resources Conservation Service and provides funding to state programs designed to protect cropland, pastureland, rangeland and forestland from conversion.

I remain concerned however that we could not convince the Resources Committee to provide assistance to the Wildlife Habitat Incentives Program (WHIP), another existing program within the Department of Agriculture that has exhausted its funding. I remain skeptical about the potential landowner interest in the new ''Endangered and Threatened Species Recovery'' program created in title seven of H.R. 701.

As I said earlier, I applaud the gentlemen from the effort they've made to address some serious unmet needs—needs that have not been discussed and prioritized because of a lack of leadership in putting our fiscal house in order. However, I cannot condone the means they have used to address the funding challenges facing us.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO), a member of the committee.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, until tonight, Congress, for more than a decade, has diverted much of the money that should have been spent on land and water conservation purposes from offshore oil royalties into virtually every other function of the Federal Government. Tonight that all changes.

This is a new commitment by this Congress in a grand bipartisan way to concerns that many of us share about our precious environment, the protection of open spaces, and the extraordinary resources that we have in this country.

The administrative costs are unbelievably low. We will hear a lot of distorted things about that later. Less than 2 percent. That is great. And there will be no taking of property without just compensation. We will hear more about that later from those who will allege otherwise.

Mr. Chairman, this is a great bill for the States, for the country, for my State, which will get more than $50 million a year to help us take care of our endangered species problems with salmon, salmon restoration, and other preservation of open spaces in a rapidly growing State.

This is a great night for the United States Congress and one of those rare nights where I am especially proud to serve here.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, throughout the history of our Nation, our elected officials have recognized when it is time to set aside specific philosophical differences and act in the best interests of the public with regard to our precious natural resources. Whether we have been inspired by conservationists such as John Muir or led by visionaries such as Theodore Roosevelt, we have always managed to meet the next step in the challenge to protect our land and to ensure that our children can enjoy a clean and healthy environment.

And now, another one of those landmark moments is upon us, and I am glad to see that the House is responding with the Conservation and Reinvestment Act of 2000. Many of my colleagues have already, and will continue

to talk about the provisions in the bill that will benefit generation after generation of Americans. My home State of Massachusetts will receive millions of needed dollars for vital Land and Water Conservation Fund projects as well as urban parks and recreation programs.

Upon final action by the Congress on this legislation, we will finally support with a meaningful commitment a significant increase in efforts to restore and protect precious coastal habitats and wetlands. Certain refinements may be necessary as this bill continues through the legislative process, but I am sure we will do that by making sure that the Department of Commerce is included as a participant in the management of the funds.

Mr. Chairman, I commend both the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for the fine work they have done, and I urge passage.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I gratefully rise today on behalf of my constituents in the 9th Congressional District of Illinois in strong support of H.R. 701.

Anyone who has spent even one day in Chicago when the weather is decent, and it is often, cannot help but notice how much we enjoy every square inch of parkland, beaches, and green space. CARA will enable the Chicago Park District to do even more to improve the quality of life in Chicago.

For example, the Chicago Park District possesses over 200 field houses. Many of these buildings are large structures of great historic significance. CARA funds would help preserve many of these structures and make them more accessible.

Chicago's park system also provides employment opportunities, youth recreation-as-prevention initiatives and after-school programs for the city's children. Under CARA, Illinois will receive over $55 million in total funding annually, which, when matched and leveraged, equates to increased funding many times over.

Mr. Chairman, the time is now to advance this bill and reinvest in our quality of life for generations to come. I commend the sponsors of this legislation and urge my colleagues to support it.

Mr. GEORGE MILLER of California. Mr. Chairman, could the chair inform me how much time we have remaining?

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) has 4½ minutes remaining. The gentleman from California (Mr. POMBO) has 2 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, a further inquiry, if I might. Could the chair tell us, my plan is to yield myself 2½ minutes, yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), and then the gentleman from California (Mr. POMBO) has 2 minutes, I believe. Is that right? So how do we go in order here?

The CHAIRMAN. Is the question directed to closing statements?

Mr. GEORGE MILLER of California. Yes, thank you.

The CHAIRMAN. The order will be the gentleman from California (Mr. POMBO), the gentleman from California (Mr. GEORGE MILLER), and the remaining time to the gentleman from Alaska (Mr. YOUNG). Is the gentleman yielding some of his time?

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG) to use as he chooses, and he can close.

The CHAIRMAN. Then, without objection, the time has been transferred to the gentleman from Alaska (Mr. YOUNG), and the gentleman from California (Mr. POMBO) can begin his closing statements.

There was no objection.

Mr. POMBO. Mr. Chairman, I yield the balance of our time to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE)

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman from California (Mr. POMBO) for yielding this time to me.

Mr. Chairman, we have heard much said on this House floor about all the protections of private property rights. Let me just read from the bill exactly what is going on with our private property rights.

Yes, there is a savings clause that says that if property is going to be taken, it must be condemned. But it also goes on to say that no regulation may be applied on any lands until the lands or water or interests therein is acquired, comma, unless authorized to do so by another Act of Congress.

□ 1830

So we are funding these other acts of Congress for acquisition. Acquisition. The word ''acquisition'' appears 20 times in this bill. In addition, there is $100 million to start with set aside every single year to buy up farmland. Indeed, that money does not go directly to pay farmers for their farm. Actually, the Secretary provides this money in matching grants to eligible entities to facilitate their purchase of some other guy's farm or permanent easements on those farms. It is just the plain wording in the bill.

Do not tell me it protects private property. It does not. In addition to that, eligible entities can be the following, State or local governments, Indian tribes, or any organization that is organized for conservation purposes under 501(c)(3) or any entity that is controlled by one of these 501(c)(3)s. These are the guys that can get the money to buy one's farm.

Now, the last thing we need to do in America is take more farmland out of production.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentlewoman from Idaho has expired.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I ask unanimous consent for one more minute.

Mr. GEORGE MILLER of California. Mr. Chairman, I object.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. POMBO) has expired. The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has no time remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank all of the Members who have participated in this general debate. I think what is evolving is a picture of maybe legislation that speaks to the best of this Congress. The gentleman from Alaska (Mr. YOUNG) has said it, a number of other people have talked about it in terms of conservation, this is about the conservation of our fish and wildlife, of our wild areas in this country, of open space in our suburban communities, of farmland.

Interestingly, this also takes care of some of the values that we have heard about on this floor now for a number of years. Remember the discussion about devolution. The fact of the matter is, in title 3 of this legislation, the State and local agencies has spent that money. The Pittman-Robertson money is spent by State and local agencies. The State side Pittman-Robertson is spent by State and local agencies. The UPARR is spent by cities and counties. Coastal impact is by States, cities, and counties. The farmland Pittman-Robertson is by States and local.

The fact of the matter is what this bill is about is giving local communities the resources and the ability to deal with the problems they confront because of the tremendous growth in this country. In my area and the area of the gentleman from California (Mr. POMBO), we have cities that are springing up in dramatic rates, and they are crowding up against farmland.

Farmers who want to continue to farm want to keep their orchards, want to keep grazing cattle. Maybe now we can allow them to stay in business if the local cities and counties and organizations want to provide them Pittman-Robertson for the easements to do that, the development rights so they can continue to farm, they can continue their orchards, they can continue their cattle.

That is what this legislation is about. It is about the great heritage of this country. People from all over the world, people from all over the world come to see the great assets, the environmental assets, the Grand Canyons, the Tetons, the Everglades, Glacier National Park, the shorelines in California and in New York and Long Island.

These are great attractions, but they are under pressure, and legislation is designed to deal with that. The vast amount of this Pittman-Robertson is to empower communities and local organizations to improve the quality of life for their citizens.

We should support this legislation. It is a bipartisan effort in the biggest sense of the word. When one looks at the various viewpoints of the Members who are supporting this legislation, when one looks at our history, when one looks at our ideology, the fact that we can come together and understand how to do this right, how to enhance the protections for private property, how to enhance the roles for local government, how to enhance the roles for private organization to participate where the Federal Government just irritates people, but local organizations and community groups are able to talk to those individuals about the futures of those communities.

So I would hope that Members would support this legislation. Again, I want to thank all of the Members who participated in this debate on both sides.

Mr. Chairman, I rise in strong support of a carefully crafted, bipartisan, consensus bill that will redeem America's promise to protect its public lands, coastlines, marine and wildlife resources and recreation opportunities for generations to come.

CARA is, without question, the most important resource protection and management bill to come before the Congress in a generation. I salute the chairman of the Resources Committee, DON YOUNG, for his leadership and his fortitude in developing this legislation, often in the face of fierce—and unjustified—criticism within his own party and from traditional supporters.

This is not just an ''environmental'' bill; it is a bill that has earned the cosponsorship of 316 Members of the House, 50 Governors, and scores of State and local legislatures, and the enthusiastic backing of a national grassroots coalition that encompasses the Conference of Mayors, the National Governors' Association, the Western Governors' Association, the National Association of Counties, National League of Cities, and the Environmental Council of the States. In short, everyone from the Sporting Goods Manufacturers Association to the American Canoe Association, American Farmland Trust, Americans for Our Heritage and Recreation, the National Association for African American Heritage Preservation, the National Soccer Coaches Association, the Rails-to-Trails Conservancy, police organizations, and wildlife and hunting groups.

The list of endorsements, in fact, fills volumes.

Those diverse interests do not often agree on a piece of legislation. For that matter, DON YOUNG and I do not often agree on legislation. But we agree on the urgency of the CARA bill. And here is why.

Time is running out for many of America's resources. Whether farmland or national parks, our coasts or our recreational sites, our wildlife or marine creatures—we simply have not accorded them the priority they deserve or that the American people support. In polls conducted by the respected Frank Luntz firm, majorities of 80 to 90 percent support full funding of the Land and Water Conservation Fund and other resource priorities—East, West, North, and South; conservative and liberal alike.

That support is reflected in the broad endorsement of this bill in the national press. Here are just a few recent examples:

Congress has habitually reneged on fully appropriating the money, though it has long been intended for environmental concerns.—Atlanta Constitution, May 9, 2000.

Reclaim this opportunity to enhance the nation's quality of life. It is past time for Washington to live up to the bargain with the American people—and their natural resources—that Congress made in 1964. The Miller-Young bill would do just that. The House should accept no substitutes or weakening amendments. A deal is a deal—and the Land and Water Conservation Fund is a particularly good one.—San Francisco Chronicle, May 8, 2000.

The Conservation and Reinvestment Act . . . would benefit Americans ranging from soccer players to farmers threatened by development.—USA Today, May 8, 2000.

A bill that could dramatically strengthen the protection of America's natural resources.—New York Times, January 10, 2000.

CARA will ''dramatically increase federal spending on outdoor-recreation facilities and safeguarding the environment—Christian Science Monitor, May 9, 2000.

Additional editorials have appeared just this week across the country—the Atlanta Constitution, the Oregonian, the San Jose Mercury, the Providence Journal, and the Mobile Register—endorsing this historic legislation.

We know our parks are under development pressure, our after-school recreational programs insufficient, our wildlife stressed, our coasts in peril: the American people want Congress to act, and act decisively.

But Congress has failed to act, and the cost of that failure is the degraded heritage we might pass on to future generations of Americans if we do not pass CARA. That is a price too high to pay.

Thirty six years ago, the Congress promised the American people that we would share the revenues generated from offshore oil development with the resources onshore. We created the Land and Water Conservation Fund, and we promised it $900 million a year from OCS revenues. But we reneged on that promise and instead of investment, we have a $13 billion deficit in the LWCF account. The OCS revenues continue to roll in; but they bypass our resources, and they betray the promise.

CARA gives this Congress the opportunity, on a rare bipartisan basis, to honor the pledge made over three decades ago. Is it expensive? Yes. But not as expensive as losing the land, water, recreation, wildlife and coastal resources of our nation which will be permanently and irreparably lost if CARA is not enacted.

If you merely took the $13 billion LWCF was promised by the Congress but never received, adjust for inflation and interest, the debt due our resources is far more than what CARA proposes to expend. Our goal is to provide that money, with certainty, so that federal, state and local planners, together with private citizens, foundations and grassroots organizations, can make those investments without fear for the second-class treatment we have devoted to our resources in recent years.

And I would add: we do not allocate this money by raising or by charging fees to those who use these parks and other public resources. The money comes from where it has always been intended to come from: offshore development.

Now, as Chairman YOUNG has noted, this bill was very carefully constructed by a bipartisan team to reflect a balanced program. No one got everything they wanted; and we remained united in the Resources Committee against those who sought to upset that careful balance. As a result, the bill before you today reflects a measured, but decisive, initiative that deserves the support of the House.

The manager's substitute that Chairman YOUNG will offer on behalf of the bill authors makes a number of changes to the bill as passed by the Resources Committee, many of them technical in nature, that were discussed with the Interior Department and other portions of the Executive Branch. We also agreed to delete a section that placed this bill ''off budget.''

In addition, we have successfully developed an amendment with Congressmen BOEHLERT, MARKEY, and PALLONE that remedies some remaining concerns about incentive for offshore oil development, uses of title I impact funds, and authorizes a competitive grant program to address multistate conservation concerns. I appreciate the hard work of those Members in resolving these issues satisfactorily, and am grateful for their support for the bill.

It is my hope that the bill will be approved by the House as supported by the bipartisan coalition that crafted this compromise and by hundreds of organizations located in every congressional district in the nation. This surely is, as the League of Conservation Voters recently stated, ''arguably the most important piece of environmental legislation this session of Congress.'' It enjoys massive support in virtually every Congressional district in the Nation. Your constituents want this bill passed, but they want more than just your vote on final passage.

There are going to be many efforts to amend this bill. Some are sincere efforts to improve the legislation; some are ''poison pills'' designed to destroy it. While I could support some of these amendments, I am not going to do so if it fractures the massive coalition inside the Congress and across this country that has labored and sweated and battled for years to get this bill passed. This bill is more important than any amendment; and some of these amendments, make no mistake, are designed to destroy the bill or make it completely ineffectual.

So I ask my colleagues today to honor the years of work, the hundreds of thousands of hours of effort that have gone into the careful crafting of this legislation, and oppose amendments. Trust your constituents on this one. Resist the rhetoric. Redeem the promise. And pass CARA—clean, effective, and by a huge margin.

Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG) for purposes of control.

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I rise in strong support of the Conservation and Reinvestment Act.

CARA will provide important environmental and conservation benefits to my state of New Hampshire and to the country as a whole. By making good on the promise to fully and permanently fund the Land and Water Conservation Fund, our National Parks, Forests and Wildlife lands will be protected. New Hampshire boasts THE most heavily visited National Forest in this country—the White Mountain National Forest—in addition to critical resource

areas like Lake Umbagog National Wildlife Refuge. In addition, CARA provides funding for other important programs such as the Forest Legacy Program, Farmland Protection Program, the Urban Parks Resource and Recovery Program, and matching grants for state and local outdoor recreation projects.

New Hampshire needs this help, to meet the conservation challenges we face.

Several Members will be offering amendments to put this bill on hold for the next five years, so that it doesn't put any strain on the budget resolution we passed earlier this year. I will oppose that amendment, because the programs in CARA should be a priority, and because we should work to put it in our budget. We will have the opportunity to do that, in our negotiations with the President on reconciliation legislation, and in reviewing the new economic information that will come before us, and we should take advantage of that to find the resources to accomplish what Chairman YOUNG has set out to do.

Amendments to put this bill on hold for 5 years mean one thing—no additional investment for 5 years. And I know that many precious places we have the opportunity to save today will no longer be there in 5 years. And I know that those that are still there will cost us twice as much as they do today.

I don't want a bigger government. I don't want more government employees. I want to invest Federal dollars in land and wildlife resources that will yield benefits to New Hampshire and the country in perpetuity. Right now, Congress has an historic opportunity to pass landmark conservation reinvestment legislation to preserve America's natural heritage and protect America's quality of life for future generations. The Conservation and Reinvestment Act (CARA) is supported by the nation's governors, mayors, county officials, conservation and wildlife organizations, sportsmen's groups, park and recreation advocates, business and industry groups, historic preservationists, soccer and youth sports organizations and more than two-thirds of my Republican and Democratic colleagues.

Unfortunately, the unique opportunity we have today in Congress to enact this landmark legislation is being threatened by a series of amendments that would undo this historic bipartisan agreement. Let's not do that. Let's pass H.R. 701.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the remainder of my time. Mr. Chairman, I want to thank those that participated in the debate, those for and against this legislation. There is a lot of concentration on the first part, the Land and Water Conservation Fund. But there are six other parts of the bill that mean a great deal. Wildlife conservation, which is really my sweetheart; urban park and recreation, very important to urban areas; historic preservation, if one does not know one's past, one will never know one's future; Federal and Indian lands have been destroyed by this government that need restoration; conservation easements. The gentleman from California mentioned this.

I have my brother in California. I have people in California who want to farm that are actually threatened by the growth of the communities that, under the easement program, can still farm and keep that land for open spaces so people could enjoy it, yet he could have his livelihood.

We have payment in lieu of taxes, fully funded, the payment in lieu of taxes. Those are the things that are in this bill besides that second title. But keep in mind it is my true belief that, under my bill, there is a much better protection for private property owners under our legislation than in existing law.

Last year alone, this Congress spent $480 million to purchase land with no input from authorizes in the Congress, with no identification to the seller of the land, unwillingly, using condemnation. Under my bill, none of those things can occur.

So keep in mind, if my colleagues wants to protect private property, they should be voting for this legislation. But beyond that, as the gentleman from California had mentioned and other people have spoken to, this is a changing society. If we do not keep those open spaces, if we do not have the farmers available who can keep their lands, we will lose that. We will not have the species which we are trying to protect under the Endangered Species Act.

There is so much in this bill for the future that we ought to consider the long haul, the long gain for the betterment of our society.

I am the Private Property Owners Award recipient all my years in Congress, and I still am rated 91 percent because I believe in it. But this bill does not hurt private property owners. It helps them, and it helps this Nation's future.

Mr. POMEROY. Mr. Chairman, today I support H.R. 701, the Conservation and Reinvestment Act (CARA) introduced by House Resources Chairman DON YOUNG and Ranking Member GEORGE MILLER. This legislation has been referred as ''the most comprehensive conservation and recreation legislation the Congress has considered in decades and provides permanent funding for valuable conservation and recreational opportunities that will benefit the lives of all Americans.''

The legislation establishes a permanent, automatic funding mechanism that channels the revenues from off-shore oil drilling royalties to numerous federal and state land and resources conservation programs. Also, the bill establishes a new fund—the Conservation and Reinvestment Act Fund or ''CARA Fund''—within the Department of Treasury to be used for various conservation, resource protection, and recreation programs.

The cornerstone of funding for the legislation is derived from the royalties received from outer-continental shelf (OCS) drilling in conjunction with establishing a new fund to help coastal states mitigate the various impacts of offshore drilling and other OCS activities, which will generate revenues of $1 billion annually. Moreover, the legislation directs $900 million annually in guaranteed funding from the CARA fund to the Land and Water Conservation Fund (LWCF), dedicates $350 million annually for the CARA fund to the existing Pittman-Robertson wildlife conservation and restoration program, provides $125 million annually from the CARA Fund to the Urban Park and Recreation Recovery Program, distributes $100 million from the CARA fund annually to the Historic Preservation Fund, provides $200 million in annual mandatory funding for a coordinated program on federal and Indian Lands Restoration, and allocates $150 million in Conservation Easements and Endangered and Threatened Species Recovery.

In my home state of North Dakota, CARA has huge, positive impacts for our rural communities to the amount of nearly $15 million annually. According to the North Dakota State Park and Recreation Department, H.R. 701, provides North Dakota with the opportunities to provide for local communities to maintain and improve their conservation and recreation bases that need much needed assistance.

I realize that some of my colleagues have raised concerns regarding private property provision in CARA. Throughout my time in Congress, I have worked to protect the private property rights of all citizens. I am pleased that CARA has provisions in it that specifically stipulate that the federal government is not authorized to take private property without just compensation and that federal agencies may not regulate any lands until they are acquired. In fact, in North Dakota, the State Park and Recreation Department requires all state agencies to comply with regulations assuring local and state support before land is acquired.

Mr. Chairman, I am pleased to join the National Governors' Association, the U.S. Conference of Mayors, the National Association of Counties, and more than 300 of my bipartisan colleagues in support of this comprehensive, historic legislation.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of H.R. 701, the Conservation and Reinvestment Act of 1999. I, like more than 300 of my Democratic and Republican colleagues, cosponsored H.R. 701 because it enhances existing environmental policy and promotes the open space conservation and recreation needs of the American people.

First, I must commend Representatives GEORGE MILLER and DON YOUNG on crafting this remarkably bipartisan legislation. This measure establishes $3 billion in mandatory spending, a reliable infusion of funding for new and existing conservation programs. H.R. 701 wisely creates a permanent stream of matching funds for states to both support and expand their land conservation and preservation efforts.

Specifically, under this bill, approximately 60 percent of the nearly $4 billion in annual revenue collected from federal offshore oil and gas production leases would be returned to state and local governments for land conservation. This legislation would make the relationship between offshore energy extraction and coastal states similar to existing programs that provide funds to communities in which resources are extracted from federal lands. Under this measure, the largest proportion of funding would be equitably applied toward energy impact assistance in coastal states and those states directly affected by offshore development.

As a representative from the Texas Gulfcoast, I am dedicated to coastal conservation. CARA provides an unprecedented opportunity to improve state and local governments'

efforts to safeguard their coastlines. CARA would invigorate the now dormant funding stream for the federal Land and Water Conservation Fund (LWCF), proactively protecting wildlife. Moreover, its encouragement of private land stewardship, which protects the vast majority of wildlife habitat, is especially meaningful in a state like Texas, whose lands are predominately privately owned.

Moreover, CARA is important to the State of Texas where only three percent of all land is public. A 1999 survey performed by the U.S. Department of Agriculture documented that Texas led the nation in loss of undeveloped land from 1992 to 1997. H.R. 701 recognizes this fact and provides funding not only for specific conservation and recreation programs but also for federal and state land acquisitions. The bill employs an extraordinarily balanced approach to land acquisition for preservation and conservation under which private property owners are given strong protections. H.R. 701 provides a strong preference for willing seller transactions.

Mr. Chairman, I would also note that in addition to focusing on preservation of our nation's open spaces, CARA provides $100 million for states to administer numerous historic preservation programs under the Historic Preservation Act.

Mr. Chairman, I urge my fellow colleagues to join me in supporting H.R. 701. This historic legislation creates a significant commitment to preserve open spaces, parks, wilderness and coastal areas, directly enhancing America's environmental quality of life and ensures the long-term preservation and enjoyment of our natural world for future generations.

Ms. JACKSON-LEE of Texas. I rise in support of this bipartisan legislation. I commend my colleagues for establishing a permanent, automatic funding mechanism for land acquisition for conservation purposes. It utilizes revenues from offshore royalties to numerous federal and state land and resources conservation programs.

The philosophy of using this money for building parks and preserving natural areas and wildlife remains as sound today as it was when the fund was created. Giving protected budget status to the Land and Conservation Fund would mean that this money—generated from the government's oil and gas leases—could be allocated without requiring annual congressional approval.

We must take this action because the fund is authorized to receive $900 million each year, but since its inception Congress has diverted much of that money for purposes other than conservation and recreation.

The interest in preserving open space could not have come at a better time. According to a new comprehensive survey of American biological diversity conducted by the Nature Conservancy, the United States provides habitat for more than 200,000 native species of plants and animals. At the same time, commercial and residential development are placing those species under continuing pressure. Americans understand how precious the habitat remains across our nation.

To most Americans, this legislation will extend our nation's and Texas' open spaces and other outdoor resources. Resources for open space should never be underestimated. Through the Land and Conservation Fund, the legislation would dedicate to conservation a portion of the monies paid to the federal government by companies for offshore oil and gas drilling rights.

This is important for the State of Texas. It is important for my community. We must create greater open space for all American communities, and preserve the historic areas of our communities. My district is in great need of more green space, more park maintenance dollars and dollars to support historic preservation work in the 4th ward, 6th ward, and 5th ward, along with the Heights and 3rd ward. Money that is furnished for our state through the Land and Water Conservation Fund is used to meet the cost of state land protection and park and recreational needs. The fund has simply never had enough funds to do the job that it has been tasked with. We can change that, Mr. Chairman.

This bill would also dedicate Land and Water Conservation funds to conservation purposes, providing additional funding to create or expand parks, forest, wildlife, and open spaces. We have a moral responsibility to conserve our precious natural resources.

Future generations will judge the suitability of our land, water, air and wildlife. We owe them some appreciation in how we treat our natural resources. Finally, I would like to thank the students from the Contemporary Learning Center school in my district who visited me on Wednesday, May 10, 2000, as part of the Close-up program to present the case for this bill, I cosponsored the bill and thanked them for their advocacy.

Mr. SKEEN. Mr. Chairman, I rise today in opposition to H.R. 701, the Conservation and Reinvestment Act. I could go on and on with reasons why this legislation is bad for New Mexico and bad for the United States. There are many others today who will explain the details of this bill.

I will use my time to concentrate on the main objection New Mexicans have with this legislation. Local, county and state governments, along with the federal government have enough land. In New Mexico, only 43 percent of the land is owned by citizens. The rest, 57 percent, is owned by government and Native American tribal governments. The people of New Mexico want to know how much land government wants? Do they want another 10 percent, another 20 percent, another 30 percent?

If one looks at the amount of money this bill mandates to spend over the next ten to twenty years there is a lot of private land that is going to disappear. I would love to have government or someone explain to me how acquiring all of this new land and adding to the millions of acres that are already being mismanaged is a good thing? Over 10 years this bill could add another 2.25 million acres at $2,000 an acre to the hundreds of million of acres the federal government already owns. Who knows how much land the state and local governments will buy under this bill. Again and again we ask the question. Give us the lists, give us the parcels, give us the costs, and just tell us how much land local, county, state and federal governments want to own. Or at least tell us why these government entities won't provide this information to the public.

Please vote against H.R. 701.

Mr. SHUSTER. Mr. Chairman, I am in strong support of this bill and as a cosponsor of H.R. 701, the Conservation and Reinvestment Act, I commend my good friend from Alaska, the Chairman of the Resources Committee, Representative DON YOUNG, for his hard work and leadership in bringing this landmark legislation to the floor for action

H.R. 701 is an important bill for our environment. It provides billions of dollars in funding through revenues of outer continental shelf activities for a variety of conservation and recreation activities. It embodies the principle, embraced by the transportation and infrastructure committee, creating a trust fund with a dedicated revenue stream for conserving and reinvesting in our Nation's resources.

The Transportation and Infrastructure Committee has jurisdiction over pollution of navigable waters, including coastal waters and wetlands. It also has jurisdiction over marine affairs, including coastal zone management, as it relatives to the pollution of a navigable waters.

As such, I believe that several sections of H.R. 701, relating to state grants for activities that address water pollution-related issues and consideration of how well correlated a proposed plan is with existing federal, state and local programs, impact the Transportation Committee's jurisdiction. It is very important that in implementing these sections, they be done consistent with existing programs.

I hope to work together with Chairman YOUNG during conference negotiations and as CARA is implemented to address these general concerns. He has assured me that we will continue to work together to identify the agreed area of our jurisdiction and for solutions to concerns we may have.

I look forward to working with the Chairman of the Resources Committee in our continued efforts to protect and enhance our coastal waters. H.R. 701 is an important step forward in this direction.

Mr. NETHERCUTT. Mr. Chairman, today I express my concerns about H.R. 701, the Conservation and Reinvestment Act of 1999.

Mr. Chairman, as a member of the House Interior Subcommittee on Appropriations I have been very supportive of funding acquisition projects that are based on willing sellers, and consensus among all parties involved. I believe that overall the Land & Water Conservation Fund has provided a good means for protecting our lands, and I have been proud to support land acquisitions such as the Escure Ranch and Bowe Ranch in Eastern Washington. These projects were acquired with the full support of the communities which surround them and were funded through the Interior Appropriations process and the Land and Water Conservation Fund.

While I am supportive of the Land and Water Conservation Fund, today I am rising to share my concerns with the bill before the House, H.R. 701. Mr. Chairman, I understand that H.R. 701 is intended to supplant the current state and local funding for conservation and recreation programs and to encourage increased levels of state and local funding for these conservation projects. But, as a member of the Appropriations Committee, I am disturbed by the fact that this bill creates a new entitlement for our public lands.

First, as currently drafted, the bill declares the entire program off-budget and takes more than $2.8 billion from the Outer Continental Shelf funds. This money is currently considered on-budget and will be a charge against the budget process annually over its 15 year life. This means that there will be more mandatory spending in the government that is essentially outside the discretion of Congress. I

understand that amendments may be offered today to put this program back on budget, and I look forward to listening to the debate on this issue, but I cannot support a program that creates a new, more than $2 billion entitlement program when we are struggling to maintain our fiscal responsibility.

Under this new trust fund H.R. 701 accumulates annual deposits of $2.8 billion from oil and gas royalties that are to be deposited annually by the Secretary of Treasury. Almost $2.4 billion of these funds are transferred into accounts for land conservation, acquisition and management and would be available for spending by federal agencies without the current approval process by the Congress. The remaining monies, about $450 million, must have Congressional approval before they can be spent.

Second, over the past few months I have listened to our land managing agencies come before the House Interior Subcommittee on Appropriations and not be able to tell the Subcommittee what their current backlog maintenance is to maintain the lands that they currently own and manage. Why are we providing these agencies with more money when they cannot tell the Congress what they need to currently maintain their lands? This isn't the only problem, Mr. Speaker. The amount of money to maintain these lands is enormous, yet we are creating a $2.8 billion entitlement to buy new lands. The General Accounting Office noted when they came before the Subcommittee on Interior Appropriations that if the US Fish and Wildlife Service continues to acquire lands at the pace it has over the past few years, the costs to maintain their lands could exceed $4 billion.

Finally Mr. Chairman, while I appreciate the efforts made by the authors of the bill to address some of the concerns regarding the protection of private property, I am still concerned about the level of protection afforded. I appreciate the authors attempt under the definitions section, Section 11 to outline the protections under the Constitution, but Mr. Chairman, this section does not protect against condemnation by the federal government or for that matter by state or local governments. The restrictions that are outlined in the bill only apply to the land and Water Conservation Funds—which is only $450 out of the more than $2.8 billion program.

Mr. Chairman, I look forward to the debate today on this bill—and I am hopeful that some of the amendments offered will improve this legislation.

Mr. SHAYS. Mr. Chairman, I rise today in support of H.R. 701, the Conservation and Reinvestment Act.

I am one of the minority of members who is not a cosponsor of this bill. I chose not to become a cosponsor because the original legislation would have taken Outer Continental Shelf revenues off-budget. As a senior member of the Budget Committee, I have consistently opposed efforts to take various funds off-budget in order to maintain fiscal discipline and preserve a balanced budget.

While I am pleased the sponsors of this bill have taken these budgetary concerns into account and put the CARA Fund on-budget, this is still not an easy vote for me.

I have rarely supported increases in mandatory spending in the amounts considered today. However, an opportunity like this is extremely rare.

This bill's guarantee of full-funding for the Land and Water Conservation Fund (LWCF)—including the critical State-side funding—will rank as one of the most significant environmental accomplishments of our time. LWCF provides the ability to acquire pristine natural habitats and open space that can be preserved for generations to come. I know that once these lands are gone, they are gone forever.

I would like to thank my colleague from New York, Mr. BOEHLERT, for his efforts to improve environmental safeguards in the bill. He is to be commended for eliminating the original bill's potential incentives for increased offshore drilling activity.

It is critically important as this bill moves forward that we work to ensure the tens of millions of federal dollars that will flow to coastal states and local governments each year are spent in a way that helps, not harms, the environment.

I hope it will be made clear that authorized use under Section 102(c)(10)—''Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure''—only refers to uses that directly mitigate the environmental impacts of offshore drilling and is not intended to fund environmentally-destructive road or port expansions or construction of bulkheads or jetties. At minimum, activities permitted under this use should be capped at 10 percent or less of a state's Title I spending.

Mr. Chairman, H.R. 701 is good for coastal areas, open space, urban parks, recreational activities and wildlife. The sponsors have worked to answer the concerns of widely-varying interests, and I am pleased to support the bill.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 4377 shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute consisting of the text of H.R. 4377 is as follow:

H.R. 4377

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 ''Conservation and Reinvestment Act of 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Annual reports.
Sec. 5. Conservation and Reinvestment Act Fund.
Sec. 6. Limitation on use of available amounts for administration.
Sec. 7. Recordkeeping requirements.
Sec. 8. Maintenance of effort and matching funding.
Sec. 9. Sunset.
Sec. 10. Protection of private property rights.
Sec. 11. Signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

Sec. 101. Impact assistance formula and payments.
Sec. 102. Coastal State conservation and impact assistance plans.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

Sec. 201. Amendment of Land and Water Conservation Fund Act of 1965.
Sec. 202. Extension of fund; treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 203. Availability of amounts.
Sec. 204. Allocation of Fund.
Sec. 205. Use of Federal portion.
Sec. 206. Allocation of amounts available for State purposes.
Sec. 207. State planning.
Sec. 208. Assistance to States for other projects.
Sec. 209. Conversion of property to other use.
Sec. 210. Water rights.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

Sec. 301. Purposes.
Sec. 302. Definitions.
Sec. 303. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 304. Apportionment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 305. Education.
Sec. 306. Prohibition against diversion.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

Sec. 401. Amendment of Urban Park and Recreation Recovery Act of 1978.
Sec. 402. Purpose.
Sec. 403. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 404. Authority to develop new areas and facilities.
Sec. 405. Definitions.
Sec. 406. Eligibility.
Sec. 407. Grants.
Sec. 408. Recovery action programs.
Sec. 409. State action incentives.
Sec. 410. Conversion of recreation property.
Sec. 411. Repeal.

TITLE V—HISTORIC PRESERVATION FUND

Sec. 501. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 502. State use of historic preservation assistance for national heritage areas and corridors.

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

Sec. 601. Purpose.
Sec. 602. Treatment of amounts transferred from Conservation and Reinvestment Act Fund; allocation.
Sec. 603. Authorized uses of transferred amounts.
Sec. 604. Indian tribe defined.

TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

SUBTITLE A—FARMLAND PROTECTION PROGRAM

Sec. 701. Additional funding and additional authorities under farmland protection program.
Sec. 702. Funding.

Subtitle B—Endangered and Threatened Species Recovery

Sec. 711. Purposes.
Sec. 712. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.

Sec. 713. Endangered and threatened species recovery assistance.
Sec. 714. Endangered and Threatened Species Recovery Agreements.
Sec. 715. Definitions.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''coastal population'' means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 and following).

(2) The term ''coastal political subdivision'' means a political subdivision of a coastal State all or part of which political subdivision is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(3) The term ''coastal State'' has the same meaning as provided by section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(4) The term ''coastline'' has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 and following).

(5) The term ''distance'' means minimum great circle distance, measured in statute miles.

(6) The term ''fiscal year'' means the Federal Government's accounting period which begins on October 1st and ends on September 30th, and is designated by the calendar year in which it ends.

(7) The term ''Governor'' means the highest elected official of a State or of any other political entity that is defined as, or treated as, a State under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 and following), the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act, the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following), the National Historic Preservation Act (16 U.S.C. 470h and following), or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note).

(8) The term ''leased tract'' means a tract, leased under section 6 or 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335, 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(9) The term ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of the area of ''lands beneath navigable waters'' as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(10) The term ''political subdivision'' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this title.

(11) The term ''producing State'' means a State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999 (unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999).

(12) The term ''qualified Outer Continental Shelf revenues'' means (except as otherwise provided in this paragraph) all moneys received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State, including bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act. Such term does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(13) The term ''Secretary'' means the Secretary of the Interior or the Secretary's designee, except as otherwise specifically provided.

(14) The term ''Fund'' means the Conservation and Reinvestment Act Fund established under section 5.

SEC. 4. ANNUAL REPORTS.

(a) STATE REPORTS.—On June 15 of each year, each Governor receiving moneys from the Fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary of the Interior or the Secretary of Agriculture, as appropriate. The report shall include, in accordance with regulations prescribed by the Secretaries, a description of all projects and activities receiving funds under this Act. In order to avoid duplication, such report may incorporate by reference any other reports required to be submitted under other provisions of law to the Secretary concerned by the Governor regarding any portion of such moneys.

(b) REPORT TO CONGRESS.—On January 1 of each year the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit an annual report to the Congress documenting all moneys expended by the Secretary of the Interior and the Secretary of Agriculture from the Fund during the previous fiscal year and summarizing the contents of the Governors' reports submitted to the Secretaries under subsection (a).

SEC. 5. CONSERVATION AND REINVESTMENT ACT FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund which shall be known as the ''Conservation and Reinvestment Act Fund''. In each fiscal year after the fiscal year 2000, the Secretary of the Treasury shall deposit into the Fund the following amounts:

(1) OCS REVENUES.—An amount in each such fiscal year from qualified Outer Continental Shelf revenues equal to the difference between $2,825,000,000 and the amounts deposited in the Fund under paragraph (2), notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(2) AMOUNTS NOT DISBURSED.—All allocated but undisbursed amounts returned to the Fund under section 101(a)(2).

(3) INTEREST.—All interest earned under subsection (d) that is not made available under paragraph (2) or (4) of that subsection.

(b) TRANSFER FOR EXPENDITURE.—In each fiscal year after the fiscal year 2001, the Secretary of the Treasury shall transfer amounts deposited into the Fund as follows:

(1) $1,000,000,000 to the Secretary of the Interior for purposes of making payments to coastal States under title I of this Act.

(2) To the Land and Water Conservation Fund for expenditure as provided in section 3(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6(a)) such amounts as are necessary to make the income of the fund $900,000,000 in each such fiscal year.

(3) $350,000,000 to the Federal aid to wildlife restoration fund established under section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b).

(4) $125,000,000 to the Secretary of the Interior to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

(5) $100,000,000 to the Secretary of the Interior to carry out the National Historic Preservation Act (16 U.S.C. 470 and following).

(6) $200,000,000 to the Secretary of the Interior and the Secretary of Agriculture to carry out title VI of this Act.

(7) $100,000,000 to the Secretary of Agriculture to carry out the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) and the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(8) $50,000,000 to the Secretary of the Interior to develop and implement Endangered and Threatened Species Recovery Agreements under subtitle B of title VII of this Act.

(c) SHORTFALL.—If amounts deposited into the Fund in any fiscal year after the fiscal year 2000 are less than $2,825,000,000, the amounts transferred under paragraphs (1) through (8) of subsection (b) for that fiscal year shall each be reduced proportionately.

(d) INTEREST.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest moneys in the Fund (including interest), and in any fund or account to which moneys are transferred pursuant to subsection (b) of this section, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Such invested moneys shall remain invested until needed to meet requirements for disbursement for the programs financed under this Act.

(2) USE OF INTEREST.—Except as provided in paragraphs (3) and (4), interest earned on such moneys shall be available, without further appropriation, for obligation or expenditure under—

(A) chapter 69 of title 31, United States Code (relating to payments in lieu of taxes); and

(B) section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating to refuge revenue sharing).

In each fiscal year such interest shall be allocated between the programs referred to in subparagraphs (A) and (B) in proportion to the amounts appropriated for that fiscal year under other provisions of law for purposes of such programs. To the extent that the total amount available for a fiscal year under this paragraph and such other provisions of law for one of such programs exceeds the authorized limit of that program, the amount available under this paragraph that contributes to such excess shall be allocated to the other such program, but not in excess of its authorized limit. To the extent that for both such programs such total amount

for each program exceeds the authorized limit of that program, the amount available under this paragraph that contributes to such excess shall be deposited into the Fund and shall be considered interest for purposes of subsection (a)(3). Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of subparagraph (A) if the annual appropriation for that fiscal year under other provisions of law for the program referred to in subparagraph (A) is less than $100,000,000, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be available for purposes of the program referred to in subparagraph (B), up to the authorized limit of such program. Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of subparagraph (B) if the annual appropriation for that fiscal year under other provisions of law for the program referred to in subparagraph (A) is less than $15,000,000, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be available for purposes of the program referred to in subparagraph (A), up to the authorized limit of such program. Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of this paragraph if the annual appropriation for that fiscal year under other provisions of law for each of the program referred to in subparagraph (A) and the program referred to in subparagraph (B) is less than $100,000,000 and $15,000,000, respectively, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be deposited into the Fund and be considered interest for purposes of subsection (a)(3).

(3) CEILING ON EXPENDITURES OF INTEREST.—Amounts made available under paragraph (2) in each fiscal year shall not exceed the lesser of the following:

(A) $200,000,000.

(B) The total amount authorized and appropriated for that fiscal year under other provisions of law for purposes of the programs referred to in subparagraphs (A) and (B) of paragraph (2).

(4) TITLE III INTEREST.—All interest attributable to amounts transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of title III of this Act (and the amendments made by such title III) shall be available, without further appropriation, for obligation or expenditure for purposes of the North American Wetlands Conservation Act of 1989 (16 U.S.C. 4401 and following)

(e) REFUNDS.—In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues under this title, refunds shall be paid by the Secretary of the Treasury from amounts available in the Fund to the extent that such refunds are attributable to qualified Outer Continental Shelf revenues deposited in the Fund under this Act.

SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity. Nothing in this section shall affect the prohibition contained in section 4(c)(3) of the Federal Aid in Wildlife Restoration Act (as amended by this Act).

SEC. 7. RECORDKEEPING REQUIREMENTS.

The Secretary of the Interior in consultation with the Secretary of Agriculture shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this Act as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. 8. MAINTENANCE OF EFFORT AND MATCHING FUNDING.

(a) IN GENERAL.—It is the intent of the Congress in this Act that States not use this Act as an opportunity to reduce State or local resources for the programs funded by this Act. Except as provided in subsection (b), no State or local government shall receive any funds under this Act during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for programs for which funding is provided under this Act will be less than its expenditures were for such programs during the preceding fiscal year. No State or local government shall receive funding under this Act with respect to a program unless the Secretary is satisfied that such a grant will be so used to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds available for such program.

(b) EXCEPTION.—The Secretary may provide funding under this Act to a State or local government not meeting the requirements of subsection (a) if the Secretary determines that a reduction in expenditures —

(1) is attributable to a nonselective reduction in expenditures for the programs of all executive branch agencies of the State or local government; or

(2) is a result of reductions in State or local revenue as a result of a downturn in the economy.

(c) USE OF FUND TO MEET MATCHING REQUIREMENTS.—All funds received by a State or local government under this Act shall be treated as Federal funds for purposes of compliance with any provision in effect under any other law requiring that non-Federal funds be used to provide a portion of the funding for any program or project.

SEC. 9. SUNSET.

This Act, including the amendments made by this Act, shall have no force or effect after September 30, 2015.

SEC. 10. PROTECTION OF PRIVATE PROPERTY RIGHTS.

(a) SAVINGS CLAUSE.—Nothing in the Act shall authorize that private property be taken for public use, without just compensation as provided by the Fifth and Fourteenth amendments to the United States Constitution.

(b) REGULATION.—Federal agencies, using funds appropriated by this Act, may not apply any regulation on any lands until the lands or water, or an interest therein, is acquired, unless authorized to do so by another Act of Congress.

SEC. 11. SIGNS.

(a) IN GENERAL.—The Secretary shall require, as a condition of any financial assistance provided with amounts made available by this Act, that the person that owns or administers any site that benefits from such assistance shall include on any sign otherwise installed at that site at or near an entrance or public use focal point, a statement that the existence or development of the site (or both), as appropriate, is a product of such assistance.

(b) STANDARDS.—The Secretary shall provide for the design of standardized signs for purposes of subsection (a), and shall prescribe standards and guidelines for such signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

SEC. 101. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

(1) GRANT PROGRAM.—Amounts transferred to the Secretary of the Interior from the Conservation and Reinvestment Act Fund under section 5(b)(1) of this Act for purposes of making payments to coastal States under this title in any fiscal year shall be allocated by the Secretary of the Interior among coastal States as provided in this section in each such fiscal year. In each such fiscal year, the Secretary of the Interior shall, without further appropriation, disburse such allocated funds to those coastal States for which the Secretary has approved a Coastal State Conservation and Impact Assistance Plan as required by this title. Payments for all projects shall be made by the Secretary to the Governor of the State or to the State official or agency designated by the Governor or by State law as having authority and responsibility to accept and to administer funds paid hereunder. No payment shall be made to any State until the State has agreed to provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this title, and provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal revenues paid to the State under this title.

(2) FAILURE TO HAVE PLAN APPROVED.—At the end of each fiscal year, the Secretary shall return to the Conservation and Reinvestment Act Fund any amount that the Secretary allocated, but did not disburse, in that fiscal year to a coastal State that does not have an approved plan under this title before the end of the fiscal year in which such grant is allocated, except that the Secretary shall hold in escrow until the final resolution of the appeal any amount allocated, but not disbursed, to a coastal State that has appealed the disapproval of a plan submitted under this title.

(b) ALLOCATION AMONG COASTAL STATES.—

(1) ALLOCABLE SHARE FOR EACH STATE.—For each coastal State, the Secretary shall determine the State's allocable share of the total amount of the revenues transferred from the Fund under section 5(b)(1) for each fiscal year using the following weighted formula:

(A) 50 percent of such revenues shall be allocated among the coastal States as provided in paragraph (2).

(B) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's shoreline miles to the shoreline miles of all coastal States.

(C) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's coastal population to the coastal population of all coastal States.

(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract with qualified Outer Continental Shelf revenues, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph. Such State share shall be calculated as of the date of the enactment of this Act for the first 5-fiscal year period during which funds are disbursed under this title and recalculated on the anniversary of such date each fifth year thereafter for each succeeding 5-fiscal year period. Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be based

on qualified Outer Continental Shelf revenues from each leased tract or portion of a leased tract the geographic center of which is within a distance (to the nearest whole mile) of 200 miles from the coastline of the State and shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each such leased tract or portion, as determined by the Secretary for the 5-year period concerned. In applying this paragraph a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(3) MINIMUM STATE SHARE.—

(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined by the Coastal Zone Management Act (16 U.S.C. 1451)), or which is making satisfactory progress toward one, shall not be less in any fiscal year than 0.50 percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under subsection (a). For any other coastal State the allocable share of such revenues shall not be less than 0.25 percent of such revenues.

(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are increased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and reduced by the same amount so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The reduction shall be divided pro rata among such other coastal States.

(c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the case of a producing State, the Governor of the State shall pay 50 percent of the State's allocable share, as determined under subsection (b), to the coastal political subdivisions in such State. Such payments shall be allocated among such coastal political subdivisions of the State according to an allocation formula analogous to the allocation formula used in subsection (b) to allocate revenues among the coastal States, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in subsection (b)(1)(A) and (b)(2) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of the closest leased tract with qualified Outer Continental Shelf revenues.

(d) TIME OF PAYMENT.—Payments to coastal States and coastal political subdivisions under this section shall be made not later than December 31 of each year from revenues received during the immediately preceding fiscal year.

SEC. 102. COASTAL STATE CONSERVATION AND IMPACT ASSISTANCE PLANS.

(a) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—Each coastal State seeking to receive grants under this title shall prepare, and submit to the Secretary, a Statewide Coastal State Conservation and Impact Assistance Plan. In the case of a producing State, the Governor shall incorporate the plans of the coastal political subdivisions into the Statewide plan for transmittal to the Secretary. The Governor shall solicit local input and shall provide for public participation in the development of the Statewide plan. The plan shall be submitted to the Secretary by April 1 of the calendar year after the calendar year in which this Act is enacted.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Approval of a Statewide plan under subsection (a) is required prior to disbursement of funds under this title by the Secretary. The Secretary shall approve the Statewide plan if the Secretary determines, in consultation with the Secretary of Commerce, that the plan is consistent with the uses set forth in subsection (c) and if the plan contains each of the following:

(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this title.

(B) A program for the implementation of the plan which, for producing States, includes a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf.

(C) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

(D) Measures for taking into account other relevant Federal resources and programs. The plan shall be correlated so far as practicable with other State, regional, and local plans.

(2) PROCEDURE AND TIMING; REVISIONS.—The Secretary shall approve or disapprove each plan submitted in accordance with this section. If a State first submits a plan by not later than 90 days before the beginning of the first fiscal year to which the plan applies, the Secretary shall approve or disapprove the plan by not later than 30 days before the beginning of that fiscal year.

(3) AMENDMENT OR REVISION.—Any amendment to or revision of the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval. Any such amendment or revision shall take effect only for fiscal years after the fiscal year in which the amendment or revision is approved by the Secretary.

(c) AUTHORIZED USES OF STATE GRANT FUNDING.—The funds provided under this title to a coastal State and for coastal political subdivisions are authorized to be used only for one or more of the following purposes:

(1) Data collection, including but not limited to fishery or marine mammal stock surveys in State waters or both, cooperative State, interstate, and Federal fishery or marine mammal stock surveys or both, cooperative initiatives with university and private entities for fishery and marine mammal surveys, activities related to marine mammal and fishery interactions, and other coastal living marine resources surveys.

(2) The conservation, restoration, enhancement, or creation of coastal habitats.

(3) Cooperative Federal or State enforcement of marine resources management statutes.

(4) Fishery observer coverage programs in State or Federal waters.

(5) Invasive, exotic, and nonindigenous species identification and control.

(6) Coordination and preparation of cooperative fishery conservation and management plans between States including the development and implementation of population surveys, assessments and monitoring plans, and the preparation and implementation of State fishery management plans developed by interstate marine fishery commissions.

(7) Preparation and implementation of State fishery or marine mammal management plans that comply with bilateral or multilateral international fishery or marine mammal conservation and management agreements or both.

(8) Coastal and ocean observations necessary to develop and implement real time tide and current measurement systems.

(9) Implementation of federally approved marine, coastal, or comprehensive conservation and management plans.

(10) Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure.

(11) Projects that promote research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources.

(d) COMPLIANCE WITH AUTHORIZED USES.—Based on the annual reports submitted under section 4 of this Act and on audits conducted by the Secretary under section 7, the Secretary shall review the expenditures made by each State and coastal political subdivision from funds made available under this title. If the Secretary determines that any expenditure made by a State or coastal political subdivision of a State from such funds is not consistent with the authorized uses set forth in subsection (c), the Secretary shall not make any further grants under this title to that State until the funds used for such expenditure have been repaid to the Conservation and Reinvestment Act Fund.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

SEC. 201. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and following).

SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 2(c) is amended to read as follows:

''(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act of 2000.''.

SEC. 203. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 460l–6) is amended to read as follows:

''APPROPRIATIONS

''SEC. 3. (a) IN GENERAL.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than $900,000,000 in any fiscal year after the fiscal year 2001. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2001 without further appropriation to carry out this Act.

''(b) OBLIGATION AND EXPENDITURE OF AVAILABLE AMOUNTS.—Amounts available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.''.

SEC. 204. ALLOCATION OF FUND.

Section 5 (16 U.S.C. 460l–7) is amended to read as follows:

''ALLOCATION OF FUNDS

''SEC. 5. Of the amounts made available for each fiscal year to carry out this Act—

''(1) 50 percent shall be available for Federal purposes (in this Act referred to as the 'Federal portion'); and

''(2) 50 percent shall be available for grants to States.''.

SEC. 205. USE OF FEDERAL PORTION.

Section 7 (16 U.S.C. 460l–9) is amended by adding at the end the following:

''(d) USE OF FEDERAL PORTION.—

''(1) APPROVAL BY CONGRESS REQUIRED.—The Federal portion (as that term is defined in section 5(1)) may not be obligated or expended by the Secretary of the Interior or the Secretary of Agriculture for any acquisition except those specifically referred to, and approved by the Congress, in an Act making appropriations for the Department of the Interior or the Department of Agriculture, respectively.

''(2) WILLING SELLER REQUIREMENT.—The Federal portion may not be used to acquire any property unless—

''(A) the owner of the property concurs in the acquisition; or

''(B) acquisition of that property is specifically approved by an Act of Congress.

''(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

''(1) RESTRICTION ON USE.—The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress.

''(2) TRANSMISSION OF LIST.—(A) The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.

''(B) In preparing each list under subparagraph (A), the Secretary shall—

''(i) seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;

''(ii) consider the use of equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;

''(iii) consider the use of permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;

''(iv) identify those properties that are proposed to be acquired from willing sellers and specify any for which adverse condemnation is requested; and

''(v) establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.

''(C) The Secretary of the Interior and the Secretary of Agriculture shall each—

''(i) transmit, with the list transmitted under subparagraph (A), a separate list of those lands under the administrative jurisdiction of the Secretary that have been identified in applicable land management plans as surplus and eligible for disposal as provided for by law; and

''(ii) update each list to be Indian transmitted under clause (i) as land management plans are amended or revised.

''(3) INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list under paragraph (2)(A) shall include, for each proposed acquisition included in the list—

''(A) citation of the statutory authority for the acquisition, if such authority exists; and

''(B) an explanation of why the particular interest proposed to be acquired was selected.

''(f) NOTIFICATION TO AFFECTED AREAS REQUIRED.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e)(2)(A) for the fiscal year, provides notice of the proposed acquisition—

''(1) in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—

''(A) the land; or

''(B) any part of any federally designated unit that includes the land;

''(2) in writing to the Governor of the State in which the land is located;

''(3) in writing to each State political subdivision having jurisdiction over the land; and

''(4) by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.

''(g) COMPLIANCE WITH REQUIREMENTS UNDER FEDERAL LAWS.—

''(1) IN GENERAL.—The Federal portion for a fiscal year may not be used to acquire any interest in land or water unless the following have occurred:

''(A) All actions required under Federal law with respect to the acquisition have been complied with.

''(B) A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.

''(C) A notice of the availability of such statement or assessment and of such summary is provided to—

''(i) each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;

''(ii) the Governor of the State in which the land is located; and

''(iii) each State political subdivision having jurisdiction over the land.

''(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to any acquisition that is specifically authorized by a Federal law.''.

SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

(a) IN GENERAL.—Section 6(b) (16 U.S.C. 460l–8(b)) is amended to read as follows:

''(b) DISTRIBUTION AMONG THE STATES.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

''(2) Subject to paragraph (3), of sums in the fund available each fiscal year for State purposes—

''(A) 30 percent shall be apportioned equally among the several States; and

''(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

''(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount allocated to the several States under paragraph (2) for that fiscal year.

''(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

''(5)(A) For the purposes of paragraph (2)(A)—

''(i) the District of Columbia shall be treated as a State; and

''(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

''(I) shall be treated collectively as one State; and

''(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

''(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.''.

(b) TRIBES AND ALASKA NATIVE CORPORATIONS.—Section 6(b)(5) (16 U.S.C. 460l–8(b)(5)) is further amended by adding at the end the following new subparagraph:

''(C) For the purposes of paragraph (1), all federally recognized Indian tribes, or in the case of Alaska, Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes, or in the case of Alaska, Native Corporations shall be equivalent to the amount available to a single State. No single tribe, nor in the case of Alaska, Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe, or in the case of Alaska, Native Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).''.

(c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C. 460l–8(b)) is amended by adding at the end the following:

''(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.''.

SEC. 207. STATE PLANNING.

(a) STATE ACTION AGENDA REQUIRED.—

(1) IN GENERAL.—Section 6(d) (16 U.S.C. 460l–8(d)) is amended to read as follows:

''(d) STATE ACTION AGENDA REQUIRED.—(1) Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act, so long as the priorities and criteria defined by the State are consistent with the purposes of this Act, the State provides for public involvement in this process, and the State publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the 'State Action Agenda') indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities,

each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 2000, a State Action Agenda that meets the following requirements:

''(A) The agenda must be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 5 years.

''(B) The agenda must be updated at least once every 5 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.

''(2) State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.''.

(2) EXISTING STATE PLANS.—Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date that is 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460*l*–8(e)) is amended as follows:

(1) In the matter preceding paragraph (1) by striking ''State comprehensive plan'' and inserting ''State Action Agenda''.

(2) In paragraph (1) by striking ''comprehensive plan'' and inserting ''State Action Agenda''.

SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) (16 U.S.C. 460l–8(e)) is amended—

(1) in subsection (e)(1) by striking '', but not including incidental costs relating to acquisition''; and

(2) in subsection (e)(2) by inserting before the period at the end the following: ''or to enhance public safety within a designated park or recreation area''.

SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 460l–8(f)(3)) is amended—

(1) by inserting ''(A)'' before ''No property''; and

(2) by striking the second sentence and inserting the following:

''(B) The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.''.

SEC. 210. WATER RIGHTS.

Title I is amended by adding at the end the following:

''WATER RIGHTS

''SEC. 14. Nothing in this title—

''(1) invalidates or preempts State or Federal water law or an interstate compact governing water;

''(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

''(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

''(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.''.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations, Indian tribes, and in the case of Alaska, Alaska Native Corporations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

SEC. 302. DEFINITIONS.

(a) REFERENCE TO LAW.—In this title, the term ''Federal Aid in Wildlife Restoration Act'' means the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after ''shall be construed'' the first place it appears the following: ''to include the wildlife conservation and restoration program and''.

(c) STATE AGENCIES.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting ''or State fish and wildlife department'' after ''State fish and game department''.

(d) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: ''the term 'conservation' shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department and approved by the Secretary under section 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term 'wildlife' shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term 'wildlife-associated recreation' shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term 'wildlife conservation education' shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.''.

SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting ''(1)'' after ''(a)'', and by adding at the end the following:

''(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the 'wildlife conservation and restoration account'. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act of 2000 shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs.''; and

(2) by adding at the end the following:

''(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2) shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new

programs and projects as well as to enhance existing programs and projects.

''(d)(1) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the fund from the Conservation and Reinvestment Act Fund so much of such amounts as is apportioned to any State for any fiscal year and as remains unexpended at the close thereof shall remain available for expenditure in that State until the close of—

''(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 2000; or

''(B) the second succeeding fiscal year, in the case of amounts transferred in a fiscal year beginning after the 10-fiscal-year period referred to in subparagraph (A).

''(2) Any amount apportioned to a State under this subsection that is unexpended or unobligated at the end of the period during which it is available under paragraph (1) shall be reapportioned to all States during the succeeding fiscal year.''.

SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

(a) IN GENERAL.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

''(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—(1) The Secretary of the Interior shall make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

''(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than ½ of 1 percent thereof.

''(B) To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than ⅙ of 1 percent thereof.

''(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remainder of the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year among the States in the following manner:

''(i) ⅓ of which is based on the ratio to which the land area of such State bears to the total land area of all such States.

''(ii) ⅔ of which is based on the ratio to which the population of such State bears to the total population of all such States.

''(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

''(3) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund shall not be available for any expenses incurred in the administration and execution of programs carried out with such amounts.

''(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds to develop a program. To apply, a State shall submit a comprehensive plan that includes—

''(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

''(B) provisions for the development and implementation of—

''(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

''(ii) wildlife-associated recreation projects; and

''(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

''(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

''(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

''(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

''(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

''(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

''(5) For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.''.

(b) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

SEC. 305. EDUCATION.

Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: ''Funds available from the amount transferred to the fund from the Conservation and Reinvestment Act Fund may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.''.

SEC. 306. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 1999, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the forgoing.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

SEC. 402. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

''TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

''SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be available to the Secretary without further appropriation to carry out this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

''(b) LIMITATIONS ON ANNUAL GRANTS.—Of the amounts available in a fiscal year under subsection (a)—

''(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

''(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

''(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

''(c) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.''.

SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 (16 U.S.C. 2502) is amended by inserting ''development of new recreation areas and facilities, including the acquisition of lands for such development,'' after ''rehabilitation of critically needed recreation areas, facilities,''.

SEC. 405. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended as follows:

(1) In paragraph (j) by striking ''and'' after the semicolon.

(2) In paragraph (k) by striking the period at the end and inserting a semicolon.

(3) By adding at the end the following:

''(l) 'development grants'—

''(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and

''(2) does not include routine maintenance, and upkeep activities; and

''(m) 'Secretary' means the Secretary of the Interior.''.

SEC. 406. ELIGIBILITY.

Section 1005(a) (16 U.S.C. 2504(a)) is amended to read as follows:

''(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

''(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

''(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

''(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.''.

SEC. 407. GRANTS.

Section 1006 (16 U.S.C. 2505) is amended—

(1) in subsection (a) by redesignating paragraph (3) as paragraph (4); and

(2) by striking so much as precedes subsection (a)(4) (as so redesignated) and inserting the following:

''GRANTS

''SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, acquisition, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

''(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

''(A) such transfer is consistent with the approved application for the grant; and

''(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities in accordance with section 1010.

''(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.''.

SEC. 408. RECOVERY ACTION PROGRAMS.

Section 1007(a) (16 U.S.C. 2506(a)) is amended—

(1) in subsection (a) in the first sentence by inserting ''development,'' after ''commitments to ongoing planning,''; and

(2) in subsection (a)(2) by inserting ''development and'' after ''adequate planning for''.

SEC. 409. STATE ACTION INCENTIVES.

Section 1008 (16 U.S.C. 2507) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

''(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

''(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.''.

SEC. 410. CONVERSION OF RECREATION PROPERTY.

Section 1010 (16 U.S.C. 2509) is amended to read as follows:

''CONVERSION OF RECREATION PROPERTY

''SEC. 1010. (a)(1) No property developed, acquired, or rehabilitated under this title shall, without the approval of the Secretary, be converted to any purpose other than public recreation purposes.

''(2) Paragraph (1) shall apply to—

''(A) property developed with amounts provided under this title; and

''(B) the park, recreation, or conservation area of which the property is a part.

''(b)(1) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists.

''(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

''(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is—

''(1) of at least equal fair market value, and reasonably equivalent usefulness and location; and

''(2) in accord with the current recreation recovery action program of the grantee.''.

SEC. 411. REPEAL.

Section 1015 (16 U.S.C. 2514) is repealed.

TITLE V—HISTORIC PRESERVATION FUND

SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting ''(a)'' before the first sentence;

(2) in subsection (a) (as designated by paragraph (1) of this section) by striking all after the first sentence; and

(3) by adding at the end the following:

''(b) Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be deposited into the Fund and shall be available without further appropriation to carry out this Act.

''(c) At least ½ of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.''.

SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

Title I of the National Historic Preservation Act (16 U.S.C. 470a and following) is amended by adding at the end the following:

''SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

''In addition to other uses authorized by this Act, amounts provided to a State under this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.''.

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND; ALLOCATION.

(a) IN GENERAL.—Amounts transferred to the Secretary of the Interior and the Secretary of Agriculture under section 5(b)(6) of this Act in a fiscal year shall be available without further appropriation to carry out this title.

(b) ALLOCATION.—Amounts referred to in subsection (a) year shall be allocated and available as follows:

(1) DEPARTMENT OF THE INTERIOR.—60 percent shall be allocated and available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, lands within the National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—30 percent shall be allocated and available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—10 percent shall be allocated and available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 603(b).

SEC. 603. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

(a) IN GENERAL.—Funds made available to carry out this title shall be used solely for restoration of degraded lands, resource protection, maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

(1) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program for Indian tribes, giving priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(2) LIMITATION.—The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount available for that fiscal year for grants under this subsection.

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts provided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

SEC. 604. INDIAN TRIBE DEFINED.

In this title, the term ''Indian tribe'' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

Subtitle A—Farmland Protection Program

SEC. 701. ADDITIONAL FUNDING AND ADDITIONAL AUTHORITIES UNDER FARMLAND PROTECTION PROGRAM.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) is amended to read as follows:

''SEC. 388. FARMLAND PROTECTION PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture shall carry out a farmland protection program for the purpose of protecting farm, ranch, and forest lands with prime, unique, or other productive uses by limiting the nonagricultural uses of the lands. Under the program, the Secretary may provide matching grants to eligible entities described in subsection (d) to facilitate their purchase of—

''(1) permanent conservation easements in such lands; or

''(2) conservation easements or other interests in such lands when the lands are subject to a pending offer from a State or local government.

''(b) CONSERVATION PLAN.—Any highly erodible land for which a conservation easement or other interest is purchased using funds made available under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary of Agriculture, the conversion of the cropland to less intensive uses.

''(c) MAXIMUM FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a)(1) may not exceed 50 percent of the total cost of purchasing the easement.

''(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means any of the following:

''(1) An agency of a State or local government.

''(2) A federally recognized Indian tribe.

''(3) Any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

''(A) is described in section 501(c)(3) of the Code;

''(B) is exempt from taxation under section 501(a) of the Code; and

''(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

''(e) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement purchased using grant funds provided under subsection (a)(1) and enforce the conservation requirements of the easement.

''(f) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a)(1), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection program and the terms and conditions of the grant.

''(g) TECHNICAL ASSISTANCE.—To provide technical assistance to carry out this section, the Secretary of Agriculture may not use more than 10 percent of the amount made available for any fiscal year under section 702 of the Conservation and Reinvestment Act of 2000.''.

SEC. 702. FUNDING.

(a) AVAILABILITY.—Amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be available to the Secretary of Agriculture, without further appropriation, to carry out—

(1) the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note), and

(2) the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(b) MINIMUM ALLOCATION.—Not less than 10 percent of the amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be used for each of the programs referred to in paragraphs (1) and (2) of subsection (a).

Subtitle B—Endangered and Threatened Species Recovery

SEC. 711. PURPOSES.

The purposes of this subtitle are the following:

(1) To provide a dedicated source of funding to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing an incentives program to promote the recovery of endangered species and threatened species and the habitat upon which they depend.

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation's endangered species and threatened species and the habitat upon which they depend.

SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(8) of this Act in a fiscal year shall be available to the Secretary of the Interior without further appropriation to carry out this subtitle.

SEC. 713. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) FINANCIAL ASSISTANCE.—The Secretary may use amounts made available under section 712 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 714.

(b) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to the development and implementation of species recovery agreements that—

(1) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(3) to the extent practicable, require use of the assistance on land owned by a small landowner.

(c) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B)) or an incidental take statement issued under section 7 of that Act (16 U.S.C. 1536), or that is otherwise required under that Act or any other Federal law.

(d) PAYMENTS UNDER OTHER PROGRAMS.—

(1) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this section shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 and following), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 and following), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) LIMITATION.—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities, if the terms of the species recovery agreement do not require financial or management obligations by the person in addition to any such obligations of the person under such programs.

SEC. 714. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this subtitle in accordance with this section.

(b) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement provisions that—

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

(2) describe the real property referred to in paragraph (1)(A) and (B) (as applicable);

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

(5) specify actions to be taken by the Secretary or the person (or both) to monitor the effectiveness of the agreement in attaining those recovery goals;

(6) require the person to notify the Secretary if—

(A) any right or obligation of the person under the agreement is assigned to any other person; or

(B) any term of the agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the agreement;

(7) specify the date on which the agreement takes effect and the period of time during which the agreement shall remain in effect;

(8) provide that the agreement shall not be in effect on and after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the agreement; and

(9) allocate financial assistance provided under this subtitle for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

(2) propose to the person any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

(1) periodically monitor the implementation of each species recovery agreement entered into by the Secretary under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this subtitle to implement the agreement as the Secretary determines is appropriate under the terms of the agreement.

SEC. 715. DEFINITIONS.

In this subtitle:

(1) ENDANGERED OR THREATENED SPECIES.—The term ''endangered or threatened species'' means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) SMALL LANDOWNER.—The term ''small landowner'' means an individual who owns 50 acres or fewer of land.

(4) SPECIES RECOVERY AGREEMENT.—The term ''species recovery agreement'' means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 714.

The CHAIRMAN pro tempore. No amendment to that amendment is in order except those printed in House Report 106–612. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 106–612.

AMENDMENT NO. 1 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. YOUNG of Alaska:

Page 21, line 9, strike ''for the'' and all that follows down through ''period'' in line 13.

Page 21, line 24, strike ''for the 5-year period concerned''.

Page 25, strike lines 11 through 15 and insert:

''(B) A program for the implementation of the plan which shall include (i) a description of how the plan will address environmental concerns, (ii) for producing States, a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf, and (iii) a description of how the State will evaluate the effectiveness of the plan.

Page 26, line 18, after ''used'' insert ''in compliance with Federal and State law''.

Page 33, line 22, strike ''Indian''.

Page 39, line 11, strike ''paragraphs'' and insert ''clauses''.

Page 39, after line 21, insert:

(d) STATE PROJECTS OF REGIONAL OR NATIONAL SIGNIFICANCE.—Section 6(b) (16 U.S.C. 460l-8(b)) is amended by adding the following at the end:

''(7)(A) Any amounts available in addition to those amounts made available under section 5 of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be available without further appropriation to the Secretary of the Interior to be distributed among the several States under a competitive grant program for State projects as authorized under section 6(e)(1) of national or regional significance involving one or more States.

''(B) The Secretary shall award grants only to projects that would conserve open space and either conserve wildlife habitat, protect water quality, or otherwise enhance the environment, or that would protect areas that have historic or cultural value. The Secretary shall give preference to projects that would be most likely to have the greatest benefit to the environment regionally or nationally and would maintain or enhance recreational opportunities.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very simple amendment. It eliminates the incentives claim. It more clearly defines the State plan within title I, and ensures the coastal impact assistance uses adhere to the State and Federal laws. It creates a multi-State competitive grant program. It removes a typo error within title II. It clarifies a provision within title II.

It is supported by the gentleman from New York (Mr. BOEHLERT), the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New Jersey (Mr. PALLONE). The gentleman from California (Mr. GEORGE MILLER) and I have agreed to this amendment, and it is in the manager's substitute. I urge the passage of the legislation.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Young amendment. This amendment is being offered by Mr. YOUNG on behalf of Congressmen MILLER, TAUZIN, DINGELL, JOHN, MARKEY, PALLONE, and me. It reflects an agreement worked out in painstaking negotiations among the staffs on the amendment sponsors. I greatly appreciate the time and effort the sponsors of the bill were willing to put into this compromise, which I think is to everyone's advantage, and, more importantly, to the public's advantage.

The amendment makes three sets of reasonable improvements in the bill, which are in keeping with statements the bill's sponsors have been saying about the bill all along.

First, the sponsors have said again and again that this bill is designed to be neutral on the issue of off-shore oil drilling, creating neither incentives nor disincentives. This amendment will ensure that that is the case. By freezing the formula in Title I as of the date of enactment, we remove any chance that states or counties will push for more drilling in order to increase their share of Title I monies.

Second, the sponsors have said again and again that the expenditure of Title I money should help, not harm the environment. This amendment will help ensure that states explicitly address environmental concerns in their plans and that those plans comply with state and federal law. Moreover, we ask states to think about how they will evaluate the success of their plans—something that should appeal to all of us who believe in promoting a ''second generation'' of environmental protection that will look at actual environmental impacts not just inputs like spending.

Third, the bill's sponsors have said again and again that they want to help states provide recreational opportunities for their citizens. This amendment will help states do that, as well as protect open space and natural resources by setting up a competitive grant program for those purposes. We still need to find funding for this important program, but we have at least made clear that this program should be part of any final CARA bill.

Again, this is a good amendment on which all of us have worked hard. It is supported by all the sponsors of CARA as well as by all the elements of the environmental community. I urge its overwhelming purpose.

Mr. BOEHLERT. Mr. Chairman, at this point I submit the extraneous materials to which I referred in my previous remarks.

AMENDMENTS TO H.R. 701, AS REPORTED, OFFERED BY MR. BOEHLERT OF NEW YORK

(Page and line nos. refer to H.R. 4377)

Page 9, line 20, strike ''$1,000,000,000'' and insert ''$900,000,000''.

Page 11, after line 2, add the following new paragraph:

''(9) $100,000,000 to the Secretary of the Interior to carry out title VIII of this Act.''.

Page 11, line 6, strike ''(8)'' and insert ''(9)''.

Page 20, line 15, strike ''50 percent'' and insert ''41 percent''.

Page 20, line 18, strike ''25 percent'' and insert ''28 percent''.

Page 20, line 22, strike ''25 percent'' and insert ''31 percent''.

Page 21, strike line 1 and all that follows down through line 5 on page 22, insert the following:

''(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—(A) If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph.

''(B) Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline.

''(C) If a State's allocable share under paragraph (1)(A) exceeds 35 percent of the revenues to be disbursed under paragraph (1)(A), the amount from such State which exceeds this limit shall be reallocated among the other States eligible under this paragraph in proportion to the amounts they received under the initial allocation under this paragraph.

''(D) Each State's allocable share under paragraph (1)(A) shall be calculated as of the date of the enactment of this Act and shall apply for each fiscal year in which States receive funds under this title.

''(E) In applying this paragraph, a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

''(3) MAXIMUM STATE SHARE.—

''(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with a total population less than 6,000,000 shall not be more in any fiscal year than 12 ⅔ percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for the purposes of this title for that fiscal year under subsection (a).

''(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are decreased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and increased by such amounts so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The increase shall be divided equally among such other coastal States.

Page 22 line 6, strike ''(3)'' and insert ''(4)''.

Page 22, line 7, strike ''The'' and insert ''After applying the maximum share provisions of paragraph (3) to all coastal States, the''.

Page 22, line 14, strike ''0.50'' and insert ''5/9''.

Page 22, line 20, strike ''0.25'' and insert ''5/18''.

Page 23, line 1, after ''States''' insert ''(except for those that have had their allocable share reduced under paragraph (3)(B))''

Page 23, strike line 10 and all that follows down through line 3 on page 24 and redesignate subsection (d) on line 4 of page 24 as subsection (c).

Page 24, line 5, strike ''and coastal political subdivisions''.

Page 24, beginning in line 15, strike ''In the case of'' and all that follows down through the period on line 18 and insert ''The Governor shall work with coastal political subdivisions in developing the plan and may disburse funds to those subdivisions as part of the plan.''.

Page 25, strike line 11 and all that follows down through line 15 and insert:

''(B) A program for the implementation of the plan, which shall include a description of how the plan will improve the environment and a program for determining whether the plan is having its intended effects.''.

Page 26, strike line 15 and all that follows down through line 9 on page 28 and insert:

(c) AUTHORIZED USES OF STATE GRANT FUNDING.—Except as provided in subsection (d), the funds provided under this title are authorized to be used only to improve the coastal and ocean environment by preserving, protecting, managing, and, where possible, restoring and enhancing coastal, marine, estuarine, and Great Lakes resources, including habitats, living marine resources, shorelines, and water quality through the following activities:

(1) Preparation, coordination, or implementation of federally or State-approved coastal, estuarine, or marine comprehensive conservation, or resource management plans or programs.

(2) The conservation, restoration, enhancement, or creation of marine, coastal, or estuarine habitats.

(3) The protection, conservation, or enhancement of coastal or estuarine shorelines, including natural protective features such as beaches, dunes, coral reefs, wetlands, or barrier islands.

(4) Preparation, coordination, or implementation of comprehensive fishery, marine mammal, avian, or other living marine resource management plans, including ratified interstate or international agreements and fishery observer programs.

(5) Identification, prevention, management, and control of invasive exotic and non-indigenous species.

(6) Data collection, research, monitoring, or other assessments, including population surveys, relating to fisheries, avian species, marine mammals, or other living marine resources, or to coastal, estuarine, marine, and Great Lakes resources or habitats.

(7) Observations necessary to develop and implement real time tide and current measurement systems.

(8) Projects that promote research, education, training, and advisory services in fields related to activities authorized by this subsection.

(9) Enforcement of Federal, State, or local marine, coastal, and estuarine resource management statutes.

(d) AUTHORIZED USE OF STATE GRANT FUNDING IN PRODUCING STATES.—In addition to the uses authorized in subsection (c), a producing State may use up to 10 percent of the funds provided under this title each year to mitigate the impacts of Outer Continental Shelf activities, including impacts on onshore infrastructure.

Page 28, line 10, strike ''(d)'' and insert ''(e)''.

Page 31, line 10, strike ''The'' and insert ''(A) Except as provided in subparagraph (B), the''.

Page 31, after line 17, insert the following new subparagraph:

''(B) REMAINING FUNDS.—If, for any fiscal year, the Acts making appropriations for the Department of the Interior and the Department of Agriculture for that fiscal year have not approved in accordance with subparagraph (A), by the date 90 days after the commencement of such fiscal year, the full amount of the Federal portion, the President may obligate and expend the remaining funds for projects on the list submitted under subsection (e). No later than 180 days after the commencement of the fiscal year, the President shall submit to the Congress a list of the specific projects he intends to fund, and no funds shall be expended until 120 days after that list has been submitted.''.

Page 31, line 24, strike the period and insert ''or is undertaken pursuant to paragraph (1)(B).''.

Page 53, line 19, strike the closing quotation marks and after line 19, insert the following new subsection:

''(e) WILDLIFE CONSERVATION STRATEGY.—Any State that receives an apportionment pursuant to section 4(c) shall within 5 years of the date of the initial apportionment develop and begin implementation of a wildlife conservation strategy based upon the best available and appropriate scientific information and data that—

''(1) uses such information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that are indicative of the diversity and health of wildlife of the State;

''(2) identifies the extent and condition of wildlife habitats and community types essential to the conservation of species identified under paragraph (1);

''(3) identifies the problems which may adversely affect the species identified under paragraph (1) or their habitats, and provides for priority research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

''(4) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats, and establishes priorities for implementing such conservation actions;

''(5) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

''(6) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than 10 years; and

''(7) provides for coordination to the extent feasible by the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.

Page 77, after line 22, add the following new title and make the necessary conforming changes in the table of contents:

TITLE VIII—NON-FEDERAL LANDS OF REGIONAL OR NATIONAL INTEREST

SEC. 801. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to make grants to help States conserve open space through the purchase of lands and interests in lands that are of regional or national interest.

SEC. 802. TRANSFER OF FUNDS.

Amounts transferred to the Secretary of the Interior under section 5(b)(9) of this Act in a fiscal year shall be available without further appropriation, to carry out this title.

SEC. 803. COMPETITIVE GRANTS TO STATES.

(a) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program to assist States in purchasing lands of national or regional significance or in purchasing easements to protect those lands.

(b) MATCHING REQUIREMENT.—A grant provided under this section shall not cover more than 50 percent of the cost of the purchase of the land or easement.

(c) APPLICATIONS.—Not later than 90 days after the enactment of this Act, the Secretary shall issue and publish in the Federal Register the schedule for the submission of grants and the criteria under which applications for grants under this section shall be evaluated. At a minimum, such criteria shall require that an application—

(1) be submitted by the Governor of a State, or in the case of a multistate application, by the Governors of all the participating States;

(2) demonstrate that the matching funds required by subsection (b) will be available;

(3) demonstrate that the use of the grant will conserve the land being purchased in a manner that will protect the environment; and

(4) detail what uses of the land will be allowed after the purchase.

The Secretary may revise the criteria at the beginning of a fiscal year and shall publish any revisions in the Federal Register. Any revised criteria must meet the requirements of this subsection.

(d) CRITERIA FOR COMPETITIVE SELECTION AMONG GRANT APPLICATIONS.—In carrying out this title, the Secretary shall award grants only to projects that would conserve open space, and would preserve wildlife habitat, protect water quality, or otherwise enhance the environment, or that would protect areas that have historic or cultural value. The Secretary shall give preference to projects that would be most likely to have the greatest impact on the environment regionally or nationally and would protect recreational opportunities.

(e) NOTICE TO CONGRESS.—In any fiscal year, no funds for grants under this title may be expended until 60 days after the Secretary has submitted to the appropriate authorizing and appropriating Committees of the Congress a list of States receiving awards under this title and a brief description of the project the State will undertake.

APRIL 13, 2000.

DEAR REPRESENTATIVES BOEHLERT, MARKEY, AND PALLONE: We are writing to thank you for your leadership in offering amendments to H.R. 701, the Conservation and Reinvestment Act (CARA) of 1999 and to offer our enthusiastic support for your amendments package. H.R. 701 provides landmark levels of critically needed funding for land, wildlife, marine, coastal, historic, and cultural conservation needs. Your amendments would move CARA farther down the road to becoming the first substantial conservation bill of the new century.

Your amendments would make significant improvements to H.R. 701 including:

In Title I, removing many problematic incentives for new offshore oil development, capping the amount of funding that could be used for damaging infrastructure, and better ensuring that the bulk of the funds will be spent on environmentally beneficial projects;

In Title II, taking needed steps toward ensuring the federal portion of the Land and Water Conservation Fund will be spent so that protection of lands in our national parks, wildlife, refuges, forests and other public lands will not be unnecessarily delayed;

Adding to Title III important strategic planning provisions that have been recommended almost unanimously by wildlife conservation groups; and

Adding a new competitive grant program that would provide funding for acquisition and easements for non-federal lands of regional or national interest.

Our organizations will work tirelessly to ensure adoption of your amendments when H.R. 701 is considered on the House floor. Passage of these amendments will ensure that our organizations will be united in support of CARA moving through the House.

Again, we applaud your leadership in working to obtain these needed fixes to the bill and tremendously appreciate your efforts. We look forward to working with you as H.R. 701 moves to the House floor.

Sincerely,

Barbara Jeanne Polo, Executive Director, American Oceans Campaign; Roger T. Rufe, Jr., President, Center for Marine Conservation; Rodger Schlickeisen, President, Defenders of Wildlife; Fred Krupp, Executive Director, Environmental Defense; Thomas C. Kiernan, President, National Parks Conservation Association; Richard Moe, President, National Trust for Historic Preservation; MArk Van Putten, President & CEO, National Wildlife Federation; John Adams, President, Natural Resources Defense Council; Meg Maguire, President, Scenic America; Carl Pope, Executive Director, Sierra Club; William H. Meadows, President, The Wilderness Society; Gene Karpinski, Executive Director, U.S. Public Interest Research Group; William M. Eichbaum, Vice President, U.S. Conservation and Global Threats, World Wildlife Fund.

AMERICANS FOR OUR HERITAGE AND RECREATION,
May 9, 2000.

Hon. SHERWOOD BOEHLERT,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE BOEHLERT: Americans for Our Heritage and Recreation, a national grassroots organization of conservation and civic organizations, park and recreation leaders, urban and open space advocates, and the sporting goods and outdoor recreation industry wants to thank you for your leadership in joining with Representatives EDWARD MARKEY and FRANK PALLONE to seek important environmental improvements to the Conservation and Reinvestment Act (CARA, H.R. 701).

Through the hard work of House Resources Committee Chairman DON YOUNG, Representative GEORGE MILLER, and key cosponsors of the legislation, CARA affords a unique and major opportunity to provide a permanent federal commitment to parks and open space protection through dedicated funding for natural heritage programs, including the Land and Water Conservation Fund (LWCF).

As you know, for more than three decades, the Land and Water Conservation Fund has been the cornerstone of American conservation and recreation, responsible for more than seven million acres of parkland and 37,000 state and local park and recreation projects. A visionary program, LWCF invests moneys from depleting resources—offshore oil and gas—to fund parks, protect wildlife, and preserve open spaces.

Given the $12 billion backlog in parks and special places that need immediate protection, we are especially appreciative that your amendments would provide an important assurance for LWCF's federal component that Congress keep its 35-year old promise and annually fund the program at its authorized level, and not divert or withhold funding as has been done in years past.

We also are particularly pleased that your amendments would provide funding to preserve regional lands of national significance, such as the Northern Forest and Mississippi Delta regions, without diminishing the important state and local recreation and open space components of LWCF's state matching grants program.

Finally, we commend your efforts to ensure that the legislation contains no incentives for offshore oil and gas drilling and that coastal funding is used in a manner that will not harm the environment.

We look forward to working with you and other Members of Congress to advance your amendment and the improvements to CARA, which it incorporates, and pass a final piece of legislation that truly will preserve our natural heritage and enhance America's quality of life for generations to come.

Again, many thanks for your leadership.

Sincerely,

JANE DANOWITZ,
Executive Director.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, May 5, 2000.

Re: Support the Boehlert (R–NY)/Markey (D–MA)/Pallone (D–NJ) amendments to H.R. 701.

House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: The League of Conservation Voters is the bipartisan, political voice of the national environmental movement. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide and the press.

LCV urges you to support amendments offered by Representatives Boehlert (R–NY), Markey (D–MA), and Pallone (D–NJ) to H.R. 701, the Conservation and Reinvestment Act of 2000. H.R. 701 provides landmark levels of critically needed funding for land, wildlife, marine, coastal, historic, and cultural conservation needs. The Pallone/Boehlert/Markey amendments would help CARA become the first substantial conservation bill of the new century.

The Markey/Pallone/Boehlert amendments would make significant improvements to H.R. 701 including:

In Title I, removing many problematic incentives for new offshore oil development, capping the amount of funding that could be used for damaging infrastructure, and better ensuring that the bulk of the funds will be spent on environmentally beneficial projects;

In Title II, taking needed steps to ensure that the federal portion of the Land and Water Conservation Fund will be spent each year to avoid unnecessary delays in the protection of our national parks, wildlife refuges, forests and other public lands;

Adding to Title III important strategic planning provisions that have been recommended almost unanimously by wildlife conservation groups; and

Adding a new competitive grant program that would provide funding for acquisition and easements for non-federal lands of regional or national interest.

The passage of these amendments is key to LCV's support of H.R. 701. We urge you to vote ''yes'' on the Boehlert/Markey/Pallone amendments to H.R. 701.

LCV's Political Advisory Committee will consider including votes on these issues when compiling LCV's 2000 Scorecard. If you need more information, please call Betsy Loyless in my office at 202/785–8683.

Sincerely,

DEB CALLAHAN,
President.

THE TRUST FOR PUBLIC LAND,
Washington, DC, April 13, 2000.

Hon. SHERWOOD BOEHLERT,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN BOEHLERT: I am writing to express the Trust for Public Land's appreciation and my own for your important efforts to advance H.R. 701, the Conservation and Reinvestment Act (CARA), to consideration by the House of Representatives and your constructive approach to addressing the particulars of this landmark conservation bill.

As you well know, the longstanding constraints on annual funding of such vital programs as the Land and Water Conservation Fund (LWCF) and the Forest Legacy Program have placed enormous stresses on federal and nonfederal resource areas, on communities, and on private landowners. The Conservation and Reinvestment Act clearly affords one of the best opportunities in conservation history to rededicate federal resources to these critical national needs, providing enhanced, reliable funding levels through several well-targeted programs to secure key natural, recreational, cultural, and other resource lands before they are lost forever. Accordingly, TPL has welcomed the initiative of Chairman Young, Congressman Miller, and their many cosponsors in offering CARA, and has enthusiastically advocated swift House action on this legislation.

We also are gratified by your unflagging commitment to the crucial land-saving programs promoted by CARA, your efforts to ensure expeditious floor action, and your positive engagement on the bill's specific provisions. As we have previously indicated, we are supportive of improvements to the bill that do not impair its chance of ultimate success. As a transaction-oriented conservation organization, with experience in the real estate marketplace and a working knowledge of the need to protect willing-seller lands as they become available—we particularly commend your efforts in Title II to provide appropriate additional assurances for annual funding of federal-side LWCF, as well as the concept of additional funding for lands of regional and national significance you propose in Title VIII. We look forward to working with you toward inclusion of these and other refinements in a final, enacted Conservation and Reinvestment Act.

TPL firmly believes that the time has come for House passage of CARA. With your assistance in bringing the bill to the floor, and with appropriate deliberation of the issues your amendment raises, we also believe that Congress is within reach of a lasting victory for America's irreplaceable parklands and public spaces.

Sincerely,

ALAN FRONT,
Senior Vice President.

THE IZAAK WALTON LEAGUE OF AMERICA,
April 14, 2000.

Hon. SHERWOOD BOEHLERT,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BOEHLERT: I'm writing to express appreciation on behalf of our members for your efforts to encourage the House leadership to schedule the Conservation and Reinvestment Act (H.R. 701) for consideration at the earliest possible date. We believe it is absolutely critical that this landmark conservation bill is signed into law in this session of Congress.

I also wish to thank you for your proposed amendment to Title III that would add a valuable planning tool to the state wildlife funding program. As you know, the League along with a diverse group of other conservation and environmental organizations worked diligently to craft this broadly accepted planning provision. It would ensure that these funds will be used for the most critical wildlife conservation needs. This amendment deserves thoughtful consideration by the full House.

Like you, we want to ensure that the coastal impact assistance provision results in the greatest benefit to our valuable marine and tidal resources; however, the equitable distribution of those funds among the states is clearly a matter for congress to determine.

Your proposal to add assurances that Land and Water Conservation Fund monies be expended for the intended purposes of that program is welcomed by our members who have been among the most ardent supporters of that program. Conservation of our country's land resources for fish and wildlife and other valuable benefits that derive from these open natural spaces is becoming increasingly important.

While we will always support improvements to legislation that benefits the environment, it is of first and foremost importance that nothing impedes the final passage of CARA. We would be pleased by the addition of any improving amendments that do not jeopardize that outcome.

Respectfully,

PAUL W. HANSEN,
Executive Director.

NORTHERN FOREST ALLIANCE,
April 19, 2000.

Representative SHERWOOD BOEHLERT,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE BOEHLERT: We are writing to express our appreciation and enthusiastic support for your leadership in developing strengthening amendments to H.R. 701, the Conservation and Reinvestment Act (CARA). H.R. 701 provides the opportunity to put words into action, and enact the most far-reaching conservation measure in recent memory.

The most important accomplishment of H.R. 701 would be the restoration of full and permanent funding for the Land and Water Conservation Fund. Revitalizing this fund will have a direct impact on conservation efforts in every region of the country, including the Northern Forest. This legislation would be significantly improved, however, by modifications embodied in your proposed amendments. In particular we strongly support the provision that would create an additional, more flexible fund which is capable of addressing important state-led projects of local, regional or national significance which exceed the capacity of traditionally administered state-side grants.

Your amendments would also remove much of the incentive for states and localities to accept new offshore oil development, cap the amount of funding that could be used for damaging infrastructure, ensure the federal portion of the Land and Water Conservation Fund will be expended, and add strategic planning provisions recommended by wildlife conservation groups.

We are prepared to communicate with your colleagues in Congress and lend our support to ensure adoption of your amendments when H.R. 701 is considered on the House floor. Thank you again for your efforts to improve and pass conservation legislation this year.

Sincerely,

ANDREA L. COLNES,
Executive Director.

The CHAIRMAN pro tempore. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 106–612.

AMENDMENT NO. 2 OFFERED BY MR. REGULA

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. REGULA:

Page 4, line 13, before the period insert '', except that no State may be treated as a coastal State in any fiscal year in which there is a Federal moratorium on offshore leasing and related activities off the coast of that State''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Ohio (Mr. REGULA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I have no illusions that this amendment will pass, but my purpose in offering it is to show my colleagues the unfairness of this proposed legislation.

As my colleagues know, the purpose of Title I is to create a revenue sharing and a coastal conservation fund for coastal States and eligible local governments to mitigate the various impacts of OCS activities and provide funds for the conservation of our coastal ecosystems.

Indeed, one can make a valid argument for using Outer Continental Shelf oil and gas leasing revenues for the restoration of coastlines that have been negatively impacted by offshore drilling. The fact that the revenues for the CARA fund would be derived directly, and I emphasize directly, from royalties from offshore leases and would go for the protection of these coasts makes some sense. However, it is quite disingenuous to distribute these funds to coastal States across the country which have a moratorium on offshore drilling.

Presently, 98 percent of our offshore production comes from the Gulf of Mexico and the western Gulf of Mexico. These States include Texas, Mississippi, and Louisiana. They shoulder the risk of offshore drilling, so it would be prudent that they should receive 98 percent of the funding in this title if we are going to do what the title says: provide coastal assistance to the States that are being impacted by offshore drilling.

Currently, Title I is so broad that it provides funding to many coastline States, even those where there is some, none, or only partial OCS leasing is taking place. For example, 30 States and five territories would receive funding under this title. If 30 States and five territories were producing oil and natural gas off their coast, this Nation would not be dependent on oil imports for more than 50 percent of our oil needs, as we are now.

As my colleagues can see from this chart, this is not the case. In fact, since we began collecting OCS royalties in 1953, the U.S. has collected $127 billion, $115 billion of which has come from production in the Gulf of Mexico. That is clear on this chart.

The amendment I am offering today would merely allow these States which currently allow offshore drilling to receive the majority of funding under Title I of the bill. These States are the logical recipients of any coastal program designed to mitigate the impacts of OCS activities. I urge my colleagues to consider this common sense amendment.

This chart does not really give us the full story, because, and I again emphasize, 98 percent of our offshore production comes from the Gulf of Mexico and the western Gulf of Mexico and essentially is limited to three States and a portion of Alabama. Yet, the bulk of this distribution of this fund goes to States, coastal States that ban offshore drilling because of a moratorium.

I have to say that the moratoria are included in the Interior bill, which I chair. Why? Because I recognize it is the will of the majority of this Congress that there should be no drilling offshore in Alaska, offshore in California, offshore in Florida, and a number of the Eastern States. I recognize that this is the will of the body.

But by the same token, those States want to get a big chunk of the offshore revenues, even though the coastal impacts are limited essentially to three or four States. If we were to do anything that would be fair, we should give the bulk of the revenues to the States that are suffering the bulk of the impact of offshore drilling.

I would suggest to the sponsors that they ought to amend this bill and make it fairer and recognize the facts of life. That is that the Gulf of Mexico States are bearing the burden of offshore drilling, and obviously to the benefits of all of us. Because without that production, we would have a far more serious crisis.

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We are indebted to those States for allowing drilling and we should reward them accordingly.

I find it eminently unfair to have a bill that says that the Gulf of Mexico States should produce the oil, should take the impact of all the on-shore environmental problems, and yet ship the money to California, that has a ban, a moratorium, and today produces very little off-shore oil; ship the oil to Alaska, that has a moratorium, and yet would get a big chunk of money. I cannot understand how that could be considered fair, and I am quite sure the sponsors would not want to do something that is unfair in their treatment of the States.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I claim the time in opposition, and I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. YOUNG of Alaska. Mr. Chairman, is the gentleman from California (Mr. GEORGE MILLER) going to claim the full 10 minutes or is he going to yield time to me?

Mr. GEORGE MILLER of California. If the gentleman would like to split the time in opposition, that would be fine.

Mr. YOUNG of Alaska. If the gentleman would not mind doing so, because the gentleman from Louisiana (Mr. TAUZIN) would like to speak.

Mr. GEORGE MILLER of California. Mr. Chairman, I will then yield the gentleman from New Jersey (Mr. PALLONE) 2 minutes.

The CHAIRMAN pro tempore. Without objection, the gentleman from Alaska (Mr. YOUNG) will control 5 minutes in opposition, and the gentleman from California (Mr. GEORGE MILLER) will control 5 minutes in opposition, and the gentleman from New Jersey (Mr. PALLONE) is recognized for 2 minutes.

There was no objection.

Mr. PALLONE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this amendment and all destructive amendments to the bill. I supported the previously passed manager's amendment, and I would like to see the bill move forward.

At all levels of government, New Jersians and people across the Nation are showing great interest in conserving open space to enhance not only their own lives, but those of the plants and animals that depend on healthy ecosystems for survival. In my years as a Member of Congress, I cannot think of a more important environmental initiative on which I have had the pleasure of working.

Mr. Chairman, I want to thank the sponsors of the bill, the gentleman from Alaska (Mr. YOUNG), the Chairman of the committee, and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for welcoming the improvements that have been made to the bill, especially those recently suggested by myself and the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New York (Mr. BOEHLERT) that were reflected in the manager's amendment that we just passed.

Our bipartisan agreement will ensure that the bill does not include major incentives to encourage future oil drilling off our fragile coastline, and, in addition, it will create a new land acquisition and easement program to protect non-Federal lands of regional or national significance.

Ultimately, CARA will provide $2.8 billion annually to State and local communities. Under the bill, my home State of New Jersey would receive approximately $60 million each year, and this funding could be used for coastal conservation, impact assistance, preservation of farmland and open space, or even helping protect the delicate ecosystems of the Pinelands and Highlands regions of the Garden State.

There is no question that CARA is an important bill that deserves to move forward. Any further changes to the bill beyond the manager's amendment would slow the momentum the bill needs to gain serious consideration in the Senate. The House should provide the solid vote this bill deserves, the one reflected by its broad cosponsorship, to keep CARA moving in the right direction.

While I am incredibly supportive of this bill, I believe it is a work in progress. We must not lose achievable opportunities to ensure full protection for our coasts, wildlife and public lands. I look forward to working with other members and the Administration to ensure that this bill lives up to its promise.

I remain concerned about the integrity of the federal Land and Water Conservation Fund. I want to ensure that the final legislation provides for full, permanent and secure funding for the LWCF and that the money is actually spent each year. We must also make certain that our land management agencies are comfortable with the changes made to the program. Furthermore, I believe that additional provisions are needed to ensure that wildlife protection funding is spent where it is most needed.

It is for these reasons I urge my colleagues to join me in supporting CARA and the manager's amendment, and in opposing all destructive amendments. We have an opportunity today to preserve other national heritage for tomorrow. The time to act is now.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

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

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding me this time and wish to state that there are a number of reasons why we should all oppose this amendment.

Let me first thank my friend, the gentleman from Ohio (Mr. REGULA), for making the case that, in fact, our States along the Gulf Coast produce indeed the great bulk of this money. The Gulf of Mexico produces, and has produced, nearly $127 billion, he tells us, I thought it was 122 billion, not million, dollars to the Federal Treasury over the years of production. But keep in mind that these are the reasons why this amendment, I think, should fail.

Number one, the formula for sharing revenues from the offshore is not my formula, it is not the formula of the gentleman from Alaska (Mr. YOUNG) or the formula of the gentleman from California (Mr. GEORGE MILLER). It is a formula derived by minerals management after deep and intensive study of what would be a fair allocation of offshore revenues. To do what? To solve coastal impact problems of not just my State, where the problems are severe, but States all over America.

So all coastal States with similar problems share in the formula devised by minerals management.

Secondly, this bill was designed to be drilling neutral. Now, I would love to pass legislation to encourage people that have moratoriums to lift their moratoriums and make the same contribution we are doing in Louisiana, but this is not the bill. We decided from the beginning this bill would not be an incentive program for production, it would simply be a fair sharing of revenues for the problems of coastal impact assistance.

And, third, I think we need to look at the effect of this amendment. I know my friend did not intend it, but by the language he chose, the new coastal States, as he would define them, would include the Great Lakes States of Ohio, Illinois, Indiana, Michigan, Pennsylvania, and Minnesota, but it would leave out California. It would leave out Alabama, one of the Gulf Coast States where the production occurs.

So it is a defective formula even if it was the right thing to do, and I do not believe it is the right thing to do.

Now, here I am, a Louisianan, standing here and asking my colleagues to vote against an amendment that my State would incredibly benefit from. It is still the wrong thing to do. We ought to defeat this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I thank the gentleman for yielding me this time. I would like to also thank the gentleman from Ohio for his generosity to the State of Louisiana. If this amendment is enacted, Louisiana would gain about $200 million.

But this bill was borne about balance. Now, my colleague, the gentleman from Louisiana (Mr. TAUZIN), talked about the formula. The intent of the amendment, I understand, and I applaud the gentleman from Ohio for doing it, but the balance was struck in the formula. Fifty percent of the title I dollars, fifty percent are weighted on producing States, 25 percent on the amount of shoreline and 25 percent on the population along those coastlines.

So this was the balance that was struck because this is a bill not only about producing States, not only about States that bear a lot, in Louisiana's case, 90 percent, over 90 percent of the money that comes into this fund comes off the shore of my great State, but this bill was borne about balance. This upsets that balance and it ought to be defeated.

I also would like to say that the balance here was struck also in other areas, and we will hear a lot more about that in the next few amendments. I might add, in conclusion, that the gentleman from Louisiana (Mr. TAUZIN) left out the State of Florida that would not be a producing State and would not participate in this. The State of Florida has a beautiful coastline. Miles and miles of white sandy beaches that my children and I go to in the summers.

So I urge my colleagues, please, do not support this amendment.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this amendment because I think it is utterly fair that those States that are producing States are the ones that should reap the benefits. The interstates in this Nation do not reap the benefits because they are not coastal States that are producing States. So I really am very supportive of this very fair amendment.

Talk about being fair, this debate has addressed the willing buyer, willing seller, as if it was protection for private property acquisition. But, actually, the former California Director of the State Fish and Game and former President of the National Wildlife Federation, Mr. Ray Arnette, states in a letter that, ''Despite the best intentions of its authors, CARA fails on all accounts. It spells disaster for property owners. Overzealous regulators, joined by environmental pressure groups and other extremists, will make folly of the willing seller clause by harassing owners of properties targeted for acquisition and distracting potential buyers. Very few families and small businesses in particular have the financial and emotional ability to stay over an extended period, governmental agencies and foundation-funded, richly financed pressure groups.''

I think he sums up my views about the true effect of these paper-thin protections best in stating, ''It is not possible to negotiate as a willing seller when the government is the only buyer.''

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS).

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

Mr. GOSS. Mr. Chairman, I rise reluctantly in strong opposition to the amendment of my friend, the gentleman from Ohio (Mr. REGULA).

Mr. Chairman, I want to speak very briefly about an amendment offered by my friend, Chairman REGULA. The Regula amendment would prohibit funds in the bill from going to States that have moratoria on outer continental shelf (OCS) oil and gas leasing. For the last decade and a half, the Florida delegation has worked diligently to include in the Interior appropriations bill a moratorium on further oil and gas leases off the Florida coast. Most in Florida remain concerned about the effects of oil drilling on our sensitive marine environment. While the annual moratorium provides a stop-gap solution to this issue, it is far from ideal and actually shortchanges all parties involved.

In fact, every member of the Florida delegation has cosponsored legislation I introduced to impose a permanent policy for Florida offshore oil drilling. H.R. 33 would call for a ''time-out'' period, during which a joint State-Federal commission of scientists and other interested parties would work to craft a non-political, science based decision as to which areas—under what conditions—are appropriate for oil drilling off the Florida coast. Even with the support of the entire Florida delegation, civic and business groups across Florida, and current Governor Jeb Bush and his predecessor, Governor Lawton Chiles, we have been unable to get more than a few hearings on H.R. 33 in the resources committee. So, we are forced to continue advocating the stop-gap annual moratorium. Florida seeks merely to be a wise steward of its natural resources, ensuring that any activity off our coast does not adversely affect our unique environment. Chairman REGULA wants to deny Florida funding under this bill because of that moratorium. I agree with the basic premise of his argument.

The moratorium which he carries each year on the Interior bill is not the best solution to this issue. But I do not believe that the solution is to lift the ban and move forward on oil activity off the Florida coast absent the kind of science based approach outlined in H.R. 33. Nor do I believe Florida should be punished for trying to be a good steward of its resources. So I would encourage Mr. REGULA to join us in support of H.R. 33. Indeed, I might even go so far as to suggest that my good friend could solve this issue once and for all by attaching H.R. 33 as a rider to the Interior appropriations bill—as a replacement for a moratorium he and I both find unsatisfactory.

Mr. Chairman, I strongly encourage my colleagues to support H.R. 701 and oppose the Regula amendment.

Mr. YOUNG of Alaska. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Alaska (Mr. YOUNG) has 3 minutes remaining, the gentleman from Ohio (Mr. REGULA) has 2 minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 1½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the chairman for yielding me this time.

Let me make two quick points. The first is that this process started with this bill being funded with a new tax. The new tax was on recreational equipment; everything from binoculars to backpacks to off-the-road vehicles to anything else one could think of that had to do with outdoor recreation. I did not think that was acceptable, and I did not support it. And I told the chairman so, and I told the gentleman from California (Mr. GEORGE MILLER) so, and they worked out what I think is a very fair system.

Point number two that I want to make is that Members from California who support the destructive amendment of the gentleman from Ohio (Mr. REGULA) are voting to cut $67 million from California's share of this pie. Members from Florida voting for the Regula amendment would cut $68 million from Florida's share of this program. Members from my home State of New Jersey should realize that we

would lose $20 million. And colleagues from New York, as the gentleman from New York (Mr. BOEHLERT) is, that State would lose $40 million.

Now, I want everybody to think about that when they go back home this fall. Colleagues from Virginia will lose $17 million; those from the State of Washington will lose $15 million; and those from Puerto Rico will lose $8 million.

Now, I have this sheet, which I will put in front of the podium, and when my colleagues all come down to vote on this amendment, I hope they will take a look at this sheet before they cast their votes.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today in strong support of CARA, the Conservation and Reinvestment Act, and in opposition to this amendment and all other amendments.

I would like to thank the chairman, the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for all of their hard work on this piece of historic legislation. This bill will restore our national commitment to America's natural resources.

CARA redeems the solemn pledge made over 30 years ago to reinvest the profits from off-shore energy production back into our natural resources. CARA will fulfill the promise of steady and certain funding for public lands. CARA will support State and local efforts to protect our wildlife and to preserve and protect our local green spaces.

Our coastal resources are under increasing pressure from population growth, expansion of coastal tourism and recreation, increased maritime traffic, threats to our water quality, and loss of essential fish and other coastal habitats. CARA is essential in helping to combat this growing problem.

Mr. Chairman, I urge Members to oppose this amendment and all other amendments to the bill. It is important that the integrity of this bill remain intact for this carefully crafted bipartisan bill.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding the 30 seconds, and I think he started off his comments by saying that he was not too optimistic about the passage of his amendment.

Just in the event, however, it does pass, I would like to inform the gentleman and the chairman of the full committee that I intend to offer a perfecting amendment, inasmuch as the boundaries now in Alabama would be divided. In a portion of our State, we have a moratorium, and another portion we do not. Under the gentleman's amendment, even though we are allowing the production and exploration, we would receive nothing.

I am sure that the gentleman, and the chairman as well, would accept that, in the event that the gentleman's amendment is adopted.

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Mr. YOUNG of Alaska. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, there is no Member of this body that I respect and admire more than the gentleman from Ohio (Mr. REGULA), but on this issue we simply disagree.

This amendment would not only kill CARA, it would be a step in the wrong direction at any time on any bill. This amendment is designed to weaken support for the moratorium on offshore oil drilling. This amendment in effect would punish States that do not allow drilling off their shores.

The drilling moratorium has been a good and sensible policy and should not be interfered with, least of all in this bill.

Some others also offer the argument that it is only fair to give title I money to States that are willing to accept the costs of oil drilling, but that is based on a misunderstanding of title I. Title I is not exclusively, or even primarily, an oil impact mitigation program. It is a program to help coastal States with a full range of problems they face, problems all coastal States face regardless of whether oil is drilled off their shores.

I must urge everyone who supports CARA and everyone who supports the moratorium on offshore oil drilling and everyone who supports addressing the full range of coastal issues to oppose this amendment. Let us keep CARA moving forward.

Mr. Chairman, I rise in strong opposition to this amendment. There is no member of this body that I respect and admire more than I do Chairman REGULA. But on this issue, we simply disagree.

This amendment would not only kill CARA; it would be a step in the wrong direction at any time on any bill. This amendment is designed to weaken support for the moratorium on off-shore oil drilling. The amendment, in effect, would punish states that do not allow drilling off their shores.

That's particularly ironic to do as part of CARA. CARA gives more money to oil producing states precisely because it recognizes the environmental and other costs that such drilling imposes. And now we're going to try to use federal funds to force other states to suffer these problems as well?

The drilling moratorium has been a good and sensible policy and should not be interfered with—least of all this bill.

Now, some also offer the argument that it's only fair to just give Title I money to states that are willing to accept the cost of oil drilling. But that is based on a misunderstanding of Title I. Title I is not exclusively, or even primarily, an oil impact mitigation program. It is a program to help coastal states with the full range of problems they face—problems all coastal states face regardless of whether oil is drilled off their shores.

So I must urge everyone who supports CARA and everyone who supports the moratorium on off-shore drilling and everyone who supports addressing the full range of coastal issues to oppose this amendment. Let's keep CARA moving forward.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment. I know that the gentleman from Ohio (Mr. REGULA) has struggled long and hard over many years with the problems of moratorium in his committee, but each and every time this Congress has decided that it would not punish those States that had a moratorium. Also, as the gentleman from Alabama (Mr. CALLAHAN) points out, it causes problems for States like Alaska, California and Alabama, where we are still producing, but we have moratoriums. Those moratoriums were put there by Republican governors, Republican presidents and State legislatures, and that is what the elected officials decided.

As the gentleman from New York (Mr. BOEHLERT) has pointed out, this is about the people's resources being used to protect the coast lines of this great Nation.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, let me point out and clarify something, and that is this bill defines coastal States according to the Coastal Zone Management Act, and that includes the Great Lake States, not according to OCS Lands Act. This provision is something that was established in the bill.

Mr. Chairman, let me say again this is simply a matter of fairness. Three and a half States produce 98 percent of the revenues, and yet we are proposing to share these with States, particularly the States like California and Alaska, on a much different basis.

In fact, the coastal States that are producing the revenues would get less, and I do not think that is fair. I believe a vote for this amendment is a vote for fairness in the way we manage our OCS revenues.

Now, having said that, I do not think the bill itself is a good bill, because we are giving away our responsibility that we are elected to do. We are creating a new entitlement, and this will just be the precursor of many more. I would urge a vote against the bill. I urge a vote for this amendment, simply to bring fairness to this legislation.

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

The CHAIRMAN pro tempore (Mr. FOSSELLA). The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Ohio (Mr. REGULA) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 106–612.

AMENDMENT NO. 3 OFFERED BY MR. RADANOVICH

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. RADANOVICH:

Page 9, line 18, after ''deposited in the fund'' insert the following: ''that remain after the application of subsection (f) for the fiscal year,''.

Page 15, after line 8, insert the following:

(f) FULL FUNDING OF PILT AND REFUGE REVENUE SHARING.—To the extent that amounts available under subsection (d) for a fiscal year are not sufficient to pay all amounts authorized to be paid for the fiscal year under chapter 69 of title 31, United States Code (relating to payment in lieu of taxes), and section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s; relating to refuge revenue sharing), amounts in the Fund shall be used to make such payments.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from California (Mr. RADANOVICH) and a Member opposed each will control 10 minutes.

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

Mr. RADANOVICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment that would fully fund the PILT program, which is called payments in lieu of taxes, and the Fish and Wildlife Services Refuge Revenue Sharing Program.

Each year we debate PILT on the floor during this appropriations time. The administration never requests full funding and the Committee on Appropriations is unable to fully fund PILT within the budget. We then see an amendment on the floor to increase funding, usually at the expense of energy research, and it always passes. Last year's amendment to increase PILT by $20 million passed on a vote of 248 to 169.

Mr. Chairman, it is time we end the appropriations game and make the Federal Government live up to its promises through PILT. In 1976, we passed the PILT Act. We did it because Congress recognized local governments must provide essential services on our Federal lands, but they get no tax revenues from them. Local governments provide emergency medical care, search and rescue, police, fire protection, road maintenance, garbage removal and a host of other essential services. Local taxpayers pay the full cost of these services, but the benefits go to all the visitors on our Federal lands.

Congress recognized this when the PILT was created, and Congress recognized it again in 1994 when we passed amendments to PILT. That year, it was necessary to update the formula to account for inflation and population changes. The House passed that bill on a voice vote, and President Clinton signed it on October 22, 1994.

Today that formula promises $320 million in PILT payments to local governments, but we continue to fund it at only $135 million.

Mr. Chairman, before coming to Congress, I served as a county supervisor for Mariposa County, California, and almost 50 percent of this county is owned by the Federal Government. Mariposa is the home of Yosemite National Park and parts of the Sierra and Stanislaus National Forest. None of that Federal land is in our tax base, none of the economic activity on that land is taxable in our county. Still our small communities, my hometown, by the way, has fewer than 2,000 people, provide all the basic services for more than 4 million visitors that visit Yosemite every year.

PILT recognizes that the Federal Government has an obligation to contribute to these services. This amendment would fund that obligation.

It is relevant that today we are debating a bill that would create $2.85 billion in mandatory spending. That money will go to Federal land-related purposes. It mandates spending on new public land purchases, but what is not mandatory in this bill, and should be, is PILT.

Mr. Chairman, what is more mandatory than our tax obligation to local governments? Especially when the money goes to help support services like search and rescue, emergency medical, fire and sheriffs, all to the benefit of visitors on our Federal lands, ensuring full funding of PILT would be a big improvement to this bill.

It will uphold our obligations to counties and local communities before we provide mandatory spending for new programs, particularly for programs that remove land from our local tax base.

This amendment would fund PILT. I urge my colleagues to support it.

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

Mr. YOUNG of Alaska. Mr. Chairman, how much time am I entitled to in opposition to the amendment?

The CHAIRMAN pro tempore (Mr. FOSSELLA). The gentleman from Alaska (Mr. YOUNG) controls 10 minutes in opposition.

Mr. YOUNG of Alaska. Mr. Chairman, for the purpose of controlling time, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER) in opposition to the amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from California (Mr. GEORGE MILLER) will control 5 minutes in oppostion to the amendment.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman. I rise in opposition to the amendment.

Mr. Chairman, I tell my good friend the gentleman from California (Mr. RADANOVICH) that this amendment is not necessary, nor needed. If we do as the Committee on Appropriations should do, we would, under CARA, fully fund PILT.

Last year, the Committee on Appropriations funded $135 million last year and $10.7 million. Under this program that is not appropriated, we would, in fact, fully fund it with $185 million and $15 million in refuge so it would be fully funded. It would be perfectly funded for the first time.

What has to happen now, the requirement now is through the Committee on Appropriations, who has not fully funded it. I agree with the gentleman, it should be. But under CARA, for the first time, we will have the money to fully fund the program as long as the Committee on Appropriations continues to do their job.

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

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. RADANOVICH. Mr. Chairman, as I understand it, the historical commitment or the all-time high was $135 million. That times two is not quite $300 million.

The obligation to PILT is $320 million. There is no chance that it is subject to full funding under this type of scenario because, under CARA, what was appropriated would be matched.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, CARA creates a ratio and it will be fully funded under that ratio. As long as the Committee on Appropriations continues to do as they have done in the past, we will match that under the CARA bill. It does not do it historically, but we will match it.

Mr. RADANOVICH. Mr. Chairman, if the gentleman will continue to yield, but CARA, if I may add, that their obligation is only to match what is appropriated; and what is appropriated is never even half of the $320 million obligation.

Mr. YOUNG of Alaska. Mr. Chairman, then that is the fault of the Committee on Appropriations. But they will have more money than they have now for PILT.

Mr. RADANOVICH. Mr. Chairman, if the gentleman will continue to yield, we will have more money than we will now, but under this program, they are creating seven new mandatory programs and fully funding them when we have an unfunded PILT program that even under this bill will not be funded.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, under this bill, under the provision of the title, we are fully funding PILT under CARA as long as the Committee on Appropriations does the job that they are supposed to do.

Mr. RADANOVICH. Mr. Chairman, but they never fully fund PILT.

Mr. YOUNG of Alaska. Mr. Chairman, I have not yielded to the gentleman. I just answered the question.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think taking the same tact as my chairman the gentleman from Alaska (Mr. YOUNG), the purpose for this and in discussing this with supporters of PILT was to make sure that the Committee on Appropriations would continue to fund PILT to the level. But recognizing, as the gentleman from California (Mr. RADANOVICH) pointed out, that they have not funded it at full funding, we would then match up to $200 million.

So they are at $135 million. Full funding is $247 million. We would add $112 million to bring them to full funding. But they have got to continue their effort. So, as it is indexed, that would change.

So this was an effort by many of the people in the committee, as my colleague knows, who support PILT. And in the communities that support it, this was an effort to see whether or not we could take two pools of money and get us there to full funding.

Because the likelihood is, if we do not do that, we all know what happens in the Committee on Appropriations; their demands are much greater than the revenues that are available to them and we will never get to full funding.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from California.

Mr. RADANOVICH. Mr. Chairman, as a point of inquiry, does CARA obligate full funding for PILT? Can the gentleman say that it obligates full funding for PILT?

Mr. GEORGE MILLER of California. Mr. Chairman, reclaiming my time, CARA obligates us to match the appropriation to take them to full funding.

Mr. RADANOVICH. Mr. Chairman, if the gentleman will continue to yield, so the most of this $320 million obligation that has been funded has been $135 million.

Mr. GEORGE MILLER of California. Mr. Chairman, it is $247 million I think.

Mr. RADANOVICH. Mr. Chairman, the most in the recent years has been $135 million. If they double that, it is $270 million. They are still short.

I say to the gentleman, please tell me that CARA would them come in and fund all of this up to the $320 million obligation.

Mr. GEORGE MILLER of California. Mr. Chairman, it would match the appropriations funding up to $200 million. In this instance we are full funding this $247 million. They do $135 million. We would do $112 million, to take them to $247 million.

Mr. RADANOVICH. Mr. Chairman, but what the gentleman said previously is that CARA will match what is appropriated, correct, and then do something else, or just match what is appropriated?

Mr. GEORGE MILLER of California. Mr. Chairman, that is right. Because, otherwise, the appropriators walk away from their obligation on PILT and CARA inherits it. We are trying to augment that.

Mr. RADANOVICH. Mr. Chairman, I ask the gentleman, but CARA only matches what is appropriated?

Mr. GEORGE MILLER of California. Mr. Chairman, no. Up to, whatever it takes to get to full funding.

Mr. RADANOVICH. Mr. Chairman, so the gentleman is assuring me that, under CARA, PILT will be fully funded?

Mr. GEORGE MILLER of California. Mr. Chairman, that is how the law is written. Unless appropriations just put nothing in. That is why the match is in, to keep appropriations in the game.

Mr. RADANOVICH. Mr. Chairman, I ask the gentleman, still subject to appropriations, though?

Mr. GEORGE MILLER of California. Mr. Chairman, yes.

Mr. RADANOVICH. Mr. Chairman, but there are seven new programs that are created that are not subject to appropriations anymore?

Mr. GEORGE MILLER of California. Mr. Chairman, the CARA money is not. But the appropriators have to put up their share of the funds.

Mr. RADANOVICH. Mr. Chairman, CARA creates seven new programs that are mandatory programs that will be fully funded, while PILT is not included in that.

Mr. GEORGE MILLER of California. Mr. Chairman, this is part of that money. That is what we are trying to tell the gentleman.

Mr. RADANOVICH. Mr. Chairman, but it is still subject to appropriations when seven new programs are put under mandatory spending.

Mr. GEORGE MILLER of California. Mr. Chairman, no, there are not seven new programs.

Mr. YOUNG of Alaska. Mr. Chairman, who controls the time?

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) controls the time.

Mr. YOUNG of Alaska. Mr. Chairman, I just want to remind the other gentleman from California, if CARA is not passed, how much money did they get in PILT? How much money do they get?

Mr. RADANOVICH. Mr. Chairman, if the gentleman from California will continue to yield, what concerns me is, then let us make PILT mandatory.

Mr. YOUNG of Alaska. Mr. Chairman, that is what we do under CARA.

Mr. GEORGE MILLER of California. Mr. Chairman, our share is mandatory.

Mr. RADANOVICH. Mr. Chairman, let us make PILT mandatory. The $320 million obligation, why do not my colleagues join me in this amendment and make it fully mandatory like they have made seven other new programs that are created by this bill mandatory spending? This is an unfunded obligation.

Mr. GEORGE MILLER of California. Mr. Chairman, under CARA, that share is mandatory and it will be matched by the appropriators.

Mr. RADANOVICH. Mr. Chairman, I ask the gentleman, why does he not join me in adding PILT to the other seven mandatory programs?

Mr. GEORGE MILLER of California. Mr. Chairman, it is. To the extent to which we fund it, it is mandatory.

Mr. RADANOVICH. Mr. Chairman, it is still subject under the appropriations.

Mr. GEORGE MILLER of California. Mr. Chairman, I say to the gentleman, no. The appropriators have to do their share, as they are doing today, which is $135 million, or whatever.

Mr. Chairman, I yield to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, if I could maybe try to explain the situation as it deals with PILT versus the appropriations.

First of all, this was about enhancement, not supplanting. So we took an historic number of what the Committee on Appropriations over the last few years has actually allocated to PILT.

Last year, in fiscal year 2000, they appropriated $135 million.

□ 1915

The bill that is in front of us says that if the Committee on Appropriations appropriates $100 million, at least $100 million, then the difference would be made up through the interest payments on the bill. So what it basically would do, it is not a match, it is more of $100 million for PILT and $15 million for refuge revenue sharing. So if the appropriation comes up with that commitment, and these numbers were not pulled out of the air, they were historical in nature, if they make that, then CARA will enhance the rest.

Mr. RADANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I urge the founders of this legislation to join in this amendment. Let us look at the history of PILT. Everybody says they are for PILT. PILT has never been fully funded. Why do we have PILT? We take hundreds of millions of acres out of rural counties, rural communities and we take them out of the tax base, and PILT is allowed, it says we are going to pay you so much back to help with local services.

Last year, $320,000 million authorized, we only funded $135 million, and that is historic. It has never been funded. If you are serious about mandating $480 million worth of purchases by the Federal Government, $480 million worth of purchases by the States hereafter, live up to the law of PILT. Make it mandatory funding. Do not make local governments go without services, fire services, emergency services, road services without a tax base.

Our rural lands that people go to, we need services. PILT was set up to pay for that. We pay pennies per acre. In Pennsylvania where I came from, we paid $1.20 an acre for every acre. That was not enough, in my view. You are taking money out of the land base. PILT is a formula to help local government provide the services that are necessary for the people who are going to use that land. In fairness, join us tonight and make PILT mandatory funding so we do not have to have this battle that we have launched year after year after year. Rural America has taken it in the neck long enough.

Mr. RADANOVICH. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman from California for yielding me this time. I rise in strong support of this amendment. In fact, this amendment is the only way that logically PILT can be funded under CARA, because where the rubber really meets the road in the plain language of this bill is that PILT will be funded only if there is interest left over in the accounts, not spent by the Secretary of Interior on various other programs.

Now, you tell me when any Federal agency has money left over that can generate interest. So the bare bones fact is that there will be no money generated for PILT under the present language. All of these lands in yellow and green are lands that are dependent upon PILT for their very existence. In some counties in my own State of Idaho, only 4 percent of the counties' lands are in private holdings that provide for the necessary services that counties must fund. They are even cutting back on the number of days that they can hold school. Now, that is a shame. And fire and police and maintenance are going wanting because we have not funded PILT. But CARA will not fund PILT unless we get this amendment. Because, as I say, no agency leaves money in their funds to generate interest. That is the only way that PILT money would be funded.

Mr. RADANOVICH. Mr. Chairman, I yield myself such time as I may consume.

My concern, and I represent mainly a rural area of California. About 330,000 acres were just taken up in the Sequoia National Monument, displaced about 100 workers and cost my communities that have about 16 percent unemployment about $8 million in revenues a year. I am concerned about this bill because I do not agree with any further Federal funding being spent on States or counties that have more than 50 percent Federal land ownership, because you are taking tax base revenues away from counties. The problem that I have with CARA is that there are seven new programs being created that require mandatory spending: Coastal impact assistance, Land and Water Conservation Fund, Federal Aid in Wildlife Restoration, Urban Parks and Recreational Recovery, National Historic Preservation Act, Indian lands restoration, farmland protection easements and endangered species recovery. I understand a lot of people think that those programs are good and I see some merit in quite a few of them. But when you are taking away the tax base from small counties that have to provide emergency services at their local levels in rural areas, you are treating rural areas unfairly. That is why I think PILT in this bill and my amendment would make it mandatory. There would not be any question that the obligation, created by PILT was passed by this Congress, would not be met. If you vote to pass my amendment, it means that PILT, those counties that provide all of the services for the local people in the rural areas would be included in this preferential category of mandatory spending. It would fully fund that $320 million obligation annually, would not subject it to the whims of the Congress through the Committee on Appropriations.

If it is good enough for environmental measures, it is good enough for those that guard and protect and enhance human life in small rural counties. For that, I hope that people will support this amendment and vote it in.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. FOSSELLA). Does the gentleman from California yield for a parliamentary inquiry?

Mr. RADANOVICH. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I had 2 minutes left for closing. I did not know the gentleman was closing, that he was speaking on the remaining 5 minutes he had. Do I still have the right to close or do I have to use up the time?

The CHAIRMAN pro tempore. The gentleman from California is just exhausting his own time. The gentleman from Alaska still has 2½ minutes remaining.

Mr. RADANOVICH. May I inquire of the remaining time that I have?

The CHAIRMAN pro tempore. The gentleman from California has 1 minute remaining.

Mr. RADANOVICH. Mr. Chairman, the only point that I want to make is that those who provide services in rural America that are getting blighted by this kind of Federal land purchase dollars deserve the right to have PILT funded on a mandatory basis and not subject to appropriations, just the way these other seven programs that you have created for Federal land purchases in blighting rural communities and putting them all on welfare deserve to have that right, too. So I hope that people will vote for my amendment and make PILT mandatory.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

I would tell the gentleman I am very sympathetic and would support his amendment if we had not reached this agreement in the delicate balance which we did arrive at. I want to, again, stress that last year the Committee on Appropriations, by the way, because there are certain individuals in the Committee on Appropriations that do not like this bill, if they had been doing their jobs, they would have fully funded it.

In fact, the Committee on Appropriations owed this America $13 billion which was collected in offshore development that we said we were going to spend, we spent it for other reasons. This is what I am very concerned with. I want to remind the gentleman that last year the Committee on Appropriations only funded $135 million for PILT, $10 million for the refuge sharing program. What we tried to do and, by the way, this was insistence from one of the Western Caucus members that we consider the PILT.

We tried to take and say, all right, we will fully fund it with the help of the Committee on Appropriations, which we do. After we did that, the National Association of Counties supports the bill. It is their interpretation that it is the full funding. I can assure the gentleman, I may not be on this committee next year, I will be the vice chairman of this committee, it is my intent to make sure that this does occur. I hope he has a little faith in what we are trying to do here because I think he is absolutely correct. To have a small community have to shoulder the burden for the national good is wrong. They ought to be reimbursed for those lands that are taken out of production. But we thought we were doing it. We really thought we had a formula here. Really this idea came from the National Association of Counties. That is who we were working with.

Mr. RADANOVICH. If the gentleman will yield, it does not give this Congress the right to further fund programs that are causing further harm to rural America without giving them any further assurance that their problems are going to be solved.

Mr. YOUNG of Alaska. We are attempting to make sure that any lands that are acquired, it takes it off the tax roll, that there is full reimbursement for those small communities. I understand the problem. We have gone from 7.5 in 25 years to 1.5 of rural community. I understand the problem, because I have this affecting me in Alaska. But we were trying to do something correct. Very frankly I think we did do something correct. We fully funded it.

Mr. RADANOVICH. The problem is that you provide no assurance that these PILT obligations are going to be met. Then you are wildly increasing funding for more of the same programs.

Mr. YOUNG of Alaska. We claim there has been no land purchased, number one, under my program. There has

been land purchased under the other program, about $480 million a year, which you voted for, by the way, $480 million a year for the last 6 years which we have been in control. I just want people to remember that.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. RADANOVICH).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. RADANOVICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from California (Mr. RADANOVICH) will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 106–612.

AMENDMENT NO. 4 OFFERED BY MR. TANCREDO

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TANCREDO:

Page 10, line 2, strike ''$900,000,000'' and insert ''$450,000,000''.

Page 10, line 8, strike ''$125,000,000'' and insert ''$350,000,000''.

Page 10, line 17, strike ''$100,000,000'' and insert ''$225,000,000''.

Page 10, line 24, strike ''$50,000,000'' and insert ''$150,000,000''.

Page 11, line 5, strike ''$2,825,000,000'' and insert ''$2,700,000,000''.

Page 30, beginning at line 24, strike ''Act—'' and all that follows through page 31, line 5, and insert ''Act, 100 percent shall be available only for grants to States.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from California (Mr. GEORGE MILLER) each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume. As we are all aware, there is more to CARA than just land acquisition. It is a bill that was designed in part to combat the fast paced growth of urban areas. I am pleased to offer this amendment with the gentleman from California (Mr. POMBO) to direct our efforts toward mitigating the impacts of urban and suburban growth. I represent two of the fastest growing counties in the United States, Jefferson and Arapahoe County in Colorado. Having witnessed this growth firsthand, it perplexes me that the focus of the debate surrounding this bill should remain squarely on Federal land acquisition. CARA provides other mechanisms to meet our environmental obligations, especially in those suburban areas which are most impacted by rapid growth.

Under our amendment, funding to the Urban Parks and Recreation Recovery program, or UPARR, will increase by $225 million over the current bill, improving the quality of life and environmental integrity of the urban areas. If we are going to spend this money, let us spend it where people can experience these improvements on a day-to-day basis.

We will increase funding to the farmland protection program by $125 million. In Colorado, I would argue that the farmers of Jefferson, Arapahoe Douglas and Boulder Counties should be listed and protected as an endangered species themselves. Instead, they are under attack by the current endangered species policies of the Federal Government and they are afforded little, if any, help by the same Federal Government to protect their property. Our amendment can fix that.

Our amendment offers a substantial increase in the funding made available to the endangered species recovery programs in title VII of this bill. If we want to recover a species of wildlife that are declining in population, let us do it by addressing the issue and not by acquiring more land. Make no mistake, this amendment does not prohibit the Federal acquisition of land. We can still pay for that through the normal appropriations process. However, it does remove a fund designated for that purpose.

I challenge the notion that land is actually preserved by Federal land acquisition. It is true that development on that land may be prevented, but the Federal Government must become the steward of this land for the years to come once it obtains that land. In Colorado, even the United States Forest Service does not pretend that our national forests are healthy. They are diseased, infested and their roads and trails are deteriorating as well. We should provide local landowners, farmers and local governments the financial resources to better care for these lands themselves.

If my colleagues want to address the issue of urban sprawl or urban growth, then let us allocate the money in this bill in a way that actually reflects that purpose. A dedicated fund for Federal land acquisition will not prove to be the answer. By and large, it will be a burden. Instead, let us empower our localities and property owners to better manage their own land. This amendment is a long-term solution to a long-term challenge that our country faces.

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

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Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment. This is an amendment that essentially guts this legislation, because the authors of this amendment are very much aware of how valuable the people of this Nation hold the Federal expenditures that we make under the Federal Land and Water Conservation Act. This is the program that we use to preserve the headwater forests, the great redwood forests in northern California. This is the program that we use to preserve the Baca Ranch in New Mexico, the great holdings that are supported by the people of that State, the people of the region and across this Nation to protect those lands. This is money that we use to try to protect the great Everglades, as we have tried to restore the Everglades. There is overwhelming support across this Nation for the protection of the Everglades and the augmentation of the Everglades so that we can try to clean up the water pollution problems and the other problems that we have there.

That is what the Federal Land and Water Conservation Act does. It is not a matter of trading in this money for money that would go to State or suburban programs. This bill is about a balance, about a balance of the amendment that we just heard before, trying to help out counties with PILT payments, about a balance of trying to help the Federal Government meet its obligations to protect the great assets, what many people consider the wonders of the world, the Zions, the Arches, the national parks, the Grand Canyon, the Grand Tetons, Yosemite, King's Canyon, all of these areas that are so dramatic that are under threat. We have people who have areas inside of those parks who want to sell those lands who have inholdings who want to get out. This is the means by which we do that.

This is very, very important. Let us not act like this is some new land rush that was $450 million. This was set back in the 1970s, this amount for Federal land acquisition. The Committee on Appropriations appropriated somewhere around $300 million or so for Federal acquisition, and they do it at the request of the Members of Congress. Elected officials walk into the Committee on Appropriations and ask, and they ask that these lands be acquired in their State, in their congressional district, as do Senators. Under this process, if those are authorized by the Congress of the United States, only if they are authorized by the Congress of the United States, and if they are submitted by the President of the United States and the Committee on Appropriations approves them and the authorizing committees approve them, then and only then will they be acquired for the people of the United States of America.

Very shortly, school will be out, the summer season will start, and millions of Americans will travel across this country to see these great assets, to see what we call the crown jewels of the Federal land system. Millions of Americans will power into Yosemite, into the Grand Tetons, into the Grand Canyon, into the Everglades, into the Great Smokies. All of those parks are under threat. This is the source of revenues that we try every year to protect those and to augment others that are worthy of being in this system.

Mr. Chairman, to kill this is to kill the Federal Government's ability, the Federal Government's ability to protect those resources and to enhance those resources on behalf of all Americans. It is not just that the Yosemite is in California, because people come from all over the country and all over the world. These are dynamic engines of economic activity around Yellowstone, around Yosemite, around the Everglades, and it is important that we take care of them. That is what Federal land and water conservation funding does. This amendment guts that proposal. It guts that effort. This money is erased from the bill.

Mr. Chairman, it is not about trading it off, as the gentleman has said, to sprinkle it through the other programs. Those programs were funded in this legislation, in the balance, in the balance that was achieved by long, tough, difficult, bipartisan negotiations with many, many, many of the interest groups, outside interest groups, those who are concerned about national parks and fish and wildlife and habitat and hunting and fishing and all of the rest. So we ought not to gut this bill with this amendment, and I would hope that the House would overwhelmingly reject this amendment.

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

Mr. YOUNG of Alaska. Mr. Chairman, did the gentleman yield 5 minutes to us?

Mr. GEORGE MILLER of California. Mr. Chairman, I am happy to yield.

Mr. YOUNG of Alaska. Mr. Chairman, how much time did the gentleman from California yield to me?

The CHAIRMAN pro tempore (Mr. FOSSELLA). The gentleman from California (Mr. GEORGE MILLER) has 5½ minutes. He controls the time.

Mr. GEORGE MILLER of California. Mr. Chairman, I meant to yield the remaining time to the gentleman from Alaska (Mr. YOUNG).

The CHAIRMAN pro tempore. Without objection, the gentleman from Alaska (Mr. YOUNG) now controls the 5½ minutes remaining.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the net effect of this amendment is to take $500 million out of the Land and Conservation Fund, which monies are used as one of a number of tools that we have to preserve open space: acquisition. Now, I understand to some in this room that the word ''acquisition'' has a negative meaning, but to those of us who represent States and communities, or let us just say on the East Coast between Boston and Florida, this tool is extremely important.

In my district, for example, every year I go to see the gentleman from Ohio (Mr. REGULA) and I ask for funds to expand the Forsythe Refuge; Ed Forsythe was my predecessor and they named the wildlife refuge after him. We have so much development pressure in New Jersey that we have programs to retire development easements. We have so much development pressure in New Jersey that we have used State Green Acres money to buy land. We have so much development pressure that we use Land and Water Conservation monies to preserve open spaces through acquisition. It is usually sensitive land. It is usually land where we as human beings have no business building housing developments or shopping centers or parking lots or whatever other uses these lands may have.

Without these funds, Members will lose a good deal of the abilities they have to help the folks back home live in an environment that has conservation policy that is good for the folks back home.

So as well-intended as this may be, it is destructive to the process that we are all involved in in trying to maintain a quality environment with open space in the coastal States that are highly developed and under development pressure.

Mr. TANCREDO. Mr. Chairman, I would inquire as to how much time remains.

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. TANCREDO) has 7 minutes remaining.

Mr. TANCREDO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I rise in support of the amendment, but against the bill. This is very, very interesting, what we have going on here. Everybody is talking about how the Federal Government has to own it. The Federal Government has to own it, or else it does not seem to count for the proponents of this bill. The Federal Government seems to have the franchise on environmental consciousness. Of course we do not want the private property people in on it because of private ownership, and the State governments which, under the Tancredo amendment, are not only supported, but encouraged to buy the land. The State governments are not given any credit.

We do not hear from the proponents of CARA which, as we all know, stands for Congress abdicating the rights of Americans, because what it is is we are running from our responsibilities of voting for land acquisitions or voting against land acquisitions. We are going to turn it over to other people.

Mr. Chairman, the curious thing is that the proponents of CARA do not say how much land we should own. I will ask them, can any of my colleagues who are supporting CARA tell me how much Federal land we should own in this country?

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from California, and I just want a quick answer. Twenty-five percent, thirty-five percent, forty percent, fifty percent? How much?

Mr. GEORGE MILLER of California. Mr. Chairman, they will make that decision under the democratic process, just like the gentleman from Georgia (Mr. KINGSTON) asked us to buy Cumberland Island.

Mr. KINGSTON. Mr. Chairman, reclaiming my time, regular order, please, Mr. Chairman.

The question is, how much land should the Federal Government own? Twenty-five percent, 35 percent, 40 percent, 50 percent? The lead cosponsor of this bill cannot answer the question and instead gives us this fishy answer.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from California. I will give the gentleman one more shot. How much, 50 percent?

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman will let me answer, right?

Mr. KINGSTON. Absolutely. I am looking for a percentage, 25 percent, 50 percent? How much land should the Federal Government own?

Mr. GEORGE MILLER of California. Mr. Chairman, the fact is, in recent years Federal ownership of land has been going down, so that is the trend, that is the trend. Mr. Chairman, if I can finish my answer.

Mr. KINGSTON. Mr. Chairman, reclaiming my time.

The CHAIRMAN pro tempore. The gentleman from Georgia's time has expired.

Mr. KINGSTON. Mr. Chairman, I reclaimed the time before it expired.

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. TANCREDO) controls the time.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I want to say to the gentleman, I will be glad to continue the dialogue under the gentleman's time. But here is the question. They do not know how much Federal land we should own. Right now it is 32 percent. Basically, that is everything east of the Mississippi River. Now, how much should it be? Maybe the current 32 percent is not enough. Maybe we should have 50 percent in Federal Government hands. I do not know. I wish the people who are pushing CARA, $2.8 billion a year in Federal acquisition money for 15 years, could tell us.

The point is, we are concerned on behalf of our State governments, on behalf of private landowners that this is a Federal Government land grab, and we are very concerned about that.

Mr. Chairman, I am a member of the Subcommittee on Interior of the Committee on Appropriations, and as the gentleman from New Jersey (Mr. SAXTON) says, colleagues come to our committee every year for this land in

New Jersey and we have been supporting it. We will continue to support it under the Tancredo-Pombo amendment. What is wrong with that? That is the constitutional process laid out by our Founding Fathers in 1789. But suddenly, that is not good enough. We have to have this new law.

I urge my colleagues to look at this very carefully.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I rise in opposition to this amendment.

This amendment would eliminate the bill's provisions for land acquisitions, eliminate the provisions for land acquisitions by Federal agencies, and instead, increase the emphasis on assisting the States and local governments. Do not get me wrong; I want to assist the States and local governments, but sometimes Federal acquisitions are appropriate and necessary.

Three examples in Colorado that exist right now. We are trying to get a bill through this body that would authorize acquisition of lands next to the Great Sand Dunes National Monument, partly for addition to that unit of the national park and also to create a wildlife refuge. Secondly, there is a need to acquire inholdings in the Black Canyon of the Gunnison National Park we just created in this body. Thirdly, right in my district, right in my district there are lands in the Beaver Brook watershed that the City of Golden wants to sell for addition to the Arapaho National Forest. This proposed acquisition has broad support and needs to go forward on a priority basis.

These are just a few examples in Colorado. It is clear that this amendment is a poison pill. In Colorado, 35 percent of our lands are owned by the Federal Government. As a Coloradan, as a Rocky Mountain Westerner, as an American, we ought to pass this bill but defeat this amendment. This is nothing but a poison pill.

Mr. TANCREDO. Mr. Chairman, may I inquire again as to how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. TANCREDO) has 4 minutes remaining; the gentleman from Alaska (Mr. YOUNG) has 2½ minutes remaining.

Mr. TANCREDO. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. POMBO).

The CHAIRMAN pro tempore. The gentleman from California (Mr. POMBO) is recognized for 4 minutes.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding and I thank the gentleman for cosponsoring this amendment.

We have heard a lot of things about this amendment, most of which have absolutely nothing to do with this amendment. What this is all about is the Federal acquisition of new land. It has nothing to do with Yosemite or Yellowstone or the Grand Tetons or any of the other stuff. They are already federally owned. The Federal Government already has those.

This map will probably be shown quite often tonight. This is Federal ownership of land. Everything we see colored on here is Federal ownership of land.

What this amendment says, quite frankly, is the Federal Government already owns enough land. They do not need to buy more. Now, everybody that is coming down here tonight is talking about all the great things this bill is going to do. We heard people one right after another coming down. They are talking about their urban parks, they are talking about protecting their wetlands, they are talking about doing things so that their States can buy land. They are talking about all of these things. Well, I say to my colleagues, that is what this amendment puts more money into. It puts more money into urban parks, it puts more money into our endangered species recovery. It puts more money into protecting farmland. All of the things my colleagues have been talking about.

All I am saying is the Federal Government owns enough land. Now, if there is something that is that important, if there is something that we really need to buy, then sell something and buy it. The Federal Government owns 700 million acres of this country already.

□ 1945

All of that is not environmentally sensitive. All of that is not important to be held in public trust. They can sell some of it and buy something, if they want to. But if Members really do care about urban parks, about protecting farmland, about protecting endangered species and doing endangered species recovery programs, this gives more money, $450 million a year in more money for the things they say they want. That is why they are supporting this bill.

Nobody has the courage to come down here and say they think the Federal government ought to own more land. They own one-third of this country already. They own too much already. Members know that. Members know they own too much already.

Talk about State ownership, in the 13 Western States alone, the States own 142 million acres, besides the literally hundreds of millions of acres that the Federal government owns. In my State of California, the government owns over half of the State. Everybody thinks California is this developed, packed State. Over half of the State is owned by the government, over half of it.

When we talk about government ownership, do Members realize that the 700 million acres that the government owns, that the Federal government owns, that half of that is held with some kind of conservation easement? It is held as National Park Service land, as wildlife refuge, as wilderness area. Three hundred fifty million acres is already held with a conservation easement on it. How much do they want?

They say they are in favor of this bill because of all the great things it does. We do not take a dime away from any of that. What we are saying is, the Federal government owns enough land. If Members really want to protect urban parks, really want to put money into protecting farmlands, really want to put money into protecting endangered species, this is the amendment that does it. This is the one Members have to support.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I see the gentleman from Ohio (Mr. REGULA) standing there. This discussion about we own too much land, the gentleman from Ohio (Mr. REGULA) tells us this year that the demands from Members of Congress far exceed what this committee could do; that over the vast majority of this Congress go before that committee and they ask, would the Federal government please purchase this inholding, will they expand this boundary, will they provide this new section of park, will they provide this unit?

That is the fact of the matter. That is the democratic process. Members of Congress represent their constituents and make these requests. In recent years, the total land mass has gone down. I think we should trade out and swap out more lands. I agree with all of that. The fact of the matter is, it is Members of Congress and Members of the Senate that believe that these acquisitions should be made, these inholdings should be bought.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, that is true, but what the gentleman wants to do is to give authority to the States to buy the land, so they will go to the State legislators to get the requests.

Mr. GEORGE MILLER of California. No, we are going to come right back to the gentleman to get that long list. The gentleman will be so happy as an appropriator.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to remind my colleagues that this bill has been a very long process with many, many meetings. We reached a very balanced bill supported by 4,000, and every governing organization in this Nation.

I can agree about what has been said about this amendment, but the reality is this amendment should not be adopted.

I got interested about the gentleman from Georgia talking about how much we own. Last year he asked us to buy Cumberland Island. If that is the case,

that he does not believe in Federal ownership of land, and I have not mentioned anybody's name so I will not yield at this time, if anybody would like to have purchased the land, then maybe we ought to take and have that land sold back to the private sector. The private sector would be the best way, because the Federal government should not have any more land.

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

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, the 4,000 or 5,000 or 100,000 that the gentleman has on that sheet, none of those people are badgering for more Federal land acquisition. That is all the State side money, the $2.8 money in State side.

Mr. YOUNG of Alaska. Reclaiming my time, I happen to agree with the gentleman, but remember the balance that I was talking about. Without this provision, if this amendment was adopted, if this amendment was adopted, then, very frankly, the package falls. I have to tell the gentlemen that. They understand that.

So I would suggest respectfully that we defeat the amendment.

The CHAIRMAN pro tempore (Mr. FOSSELLA). All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 106–612.

AMENDMENT NO. 5 OFFERED BY MR. SOUDER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 106–612 offered by Mr. SOUDER:

Page 15, after line 8, insert the following:

(f) INTENT OF CONGRESS TO SUPPLEMENT ANNUAL APPROPRIATIONS FOR NATIONAL PARK SERVICE.—Amounts made available by this Act are intended by the Congress to supplement, and not detract from, annual appropriations for the National Park Service.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin to explain my amendment, I want to commend the gentleman from Alaska (Mr. YOUNG), our committee chairman on the Committee on Resources, and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for their work in crafting this bill.

As a cosponsor of this fine piece of legislation, I strongly support this epic bill. My amendment is very simple. It merely clarifies that funds provided under CARA are intended to supplement and in no way detract from annual appropriations for the National Park Service.

We are going to hear a lot of debate through tonight and possibly into tomorrow that is very contentious, and I as a strong conservative would like to make a brief statement in clarifying both my position regarding this bill and this amendment.

A fundamental question is, what is in fact a conservative? I believe a key, fundamental part of being a conservative is conservation. That is what we do as conservatives: We appreciate our heritage, our natural beauty in America, whether it is the wonder of parks like Yellowstone and Yosemite and Glacier and the Grand Canyon; the rivers, the wildlife, which illustrate the wonder of intelligent design of our world.

The cultural heritage of America, the Independence Halls, the Gettysburgs, help us understand who we are as a people. The national lake shores like the Indiana dunes, or the amazing combination areas like the Golden Gate recreational area, where we have cultural and natural beauty, that is the legacy that we want to pass to our children and to our children's children.

We need to have a passion for that heritage. That is part of being a conservative. We can argue how much the government should own, how much regulation there should be. But the fundamental thing that we want to pass on in generations is a sense of who we are, both in our natural and cultural beauty.

The reason that is important is there are charges made that those of us who back CARA are somehow trying to gut some of our national mission, that this is a zero sum game; if funds move to the State and local level, that in fact we would reduce the Federal funding for our National Parks.

I really respect the difficult job that our chairman of the Subcommittee on Interior of the Committee on Appropriations has every year in his difficulty meeting the $13 billion backlog in facilities and $26 billion in operations in the National Parks. I think it is important to make a statement in this bill that CARA is meant to be a supplement to what we are doing in the National Parks, and that it is part and parcel, part of and not just similar to the principle of the social security trust fund, the gas tax.

When we say we are going to take revenue for a particular function, in this case environmental, or whether it is hunting and fishing fees, they should be used for what they are intended to be collected for.

In the pattern over the last number of years, when we have had a deficit we have diverted these funds. This bill is not intended to take the funds from Interior, but rather to add a supplement to environmental legislation.

Let me make one other point. I come from Indiana. I understand the frustrations of a lot of the Western States with high public lands. We have 3 percent public ownership of land in Indiana, 2 percent Federal. I have none in my district.

I sought out the Committee on Resources, not because of anything directly related to my district, but because I am a strong believer in preserving our natural and historic heritage. We need a program like CARA, because our only wildlife programs are State parks, county parks. That is where our recreation funds are. We see our dollars constantly come to Washington and be diverted into the West. We need to have these things in the Midwest, as well.

At the same time, the people of northeast Indiana, while we strongly want additional dollars, our tax dollars, for things to be matched in our local areas, we also support our National Park system. Almost every family, or a high percentage of the families, in my district will visit at least one or probably multiple of our kind of classic National Parks, as well as many regional National Forests, fish and wildlife settings, and national lake shores and other things that fall under our public land system.

But this amendment is essential to say two things: One, we want to preserve our National Parks, and this is not meant to reduce any dollars in that area; secondly, that we need additional dollars to build up our State and local resources, because many of us, that is our primary way of appreciating the nature and our cultural heritage.

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

The CHAIRMAN pro tempore. Does any Member seek time in opposition?

Mr. GEORGE MILLER of California. Mr. Chairman, I do, and I yield to the gentleman from Alaska (Mr. YOUNG).

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) controls the 5 minutes in opposition.

Mr. YOUNG of Alaska. Before we go any further, Mr. Chairman, we are in a one, two, one, two. The Chair does not have to take care of us, but once in a while, I believe last time the gentleman controlled the time and yielded to me. I am just suggesting we do that. That is off the record, but I hope everybody sees it.

The CHAIRMAN pro tempore. Is the gentleman from Alaska (Mr. YOUNG) claiming the time in opposition to the amendment?

Mr. YOUNG of Alaska. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

With the concurrence of the gentleman from California, we are willing to accept the amendment, because it makes great sense.

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

The CHAIRMAN pro tempore. Does the gentleman from Indiana (Mr. SOUDER) wish to seek further time? The gentleman has 20 seconds remaining.

Mr. SOUDER. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA).

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized for 20 seconds.

Mr. REGULA. Mr. Chairman, I have no problem with what the gentleman is trying to do. I only wish it could be expanded for the forests, like the gentleman has Hoosier National Forest. We have a lot of responsibilities: The Bureau of Indiana Affairs, all the cultural agencies in town are afraid they are going to get shorted, even though we may give extra for the parks. I am for that, but there are other areas that also need to be funded.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 106–612.

AMENDMENT NO. 6 OFFERED BY MR. SHADEGG

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SHADEGG:

Page 15, after line 8, insert the following:

(f) ENSURING SOCIAL SECURITY AND MEDICARE SOLVENCY.—The Secretary of the Treasury shall not transfer funds to the Conservation and Reinvestment Act Fund under this Act during any fiscal year unless—

(1) the Director of the Congressional Budget Office has certified that the House and Senate have approved legislation that—

(A) ensures that a sufficient portion of the on-budget surplus is reserved for debt retirement to put the Government on a path to eliminate the publicly held debt by fiscal year 2013 under current economic and technical projections; and

(B) ensures that there is not an on-budget deficit for that fiscal year;

(2) the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund has certified that outlays from such trust funds are not anticipated to exceed the revenues to such trust funds during any of the next 5 fiscal years; and

(3) the Board of Trustees of the Federal Hospital Insurance Trust Fund has certified that the outlays from such trust fund are not anticipated to exceed the revenues to such trust fund during any of the next 5 fiscal years.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SHADEGG).

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

Mr. SHADEGG. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the American people have spoken. They agree that conservation funding is important. I commend the sponsors of this bill on that point.

But there is a very important condition. They do not agree that we should raid the social security surplus. They have made that position extremely clear last year and the year before. They want 100 percent of the surplus set aside.

They also want to know that Medicare is funded and solvent. They have made that very clear. They want to know that it is there for their health care as seniors. And they want to know that the public debt will be paid off by the deadline of 2013 that this Congress and the President have agreed upon.

Mr. Chairman, we are being urged tonight to vote against every single amendment to this bill. I would urge my colleagues, do not put their brains on hold. Listen to the debate.

I urge Members to vote for this amendment. If they vote against it, they will hear from America's seniors. Let me explain why.

CARA creates a $3 billion mandatory spending program to provide funds for land acquisition and conservation activities. If this bill is signed into law as the authors have written, this $3 billion will be spent every single year, no matter what. Under this bill, if Congress and the President do nothing, the money will nonetheless be spent.

If the government is running a deficit and raiding the social security trust fund and stealing money from social security, then this $3 billion will still be spent on land acquisition and conservation. If social security or Medicare are going bankrupt, this $3 billion, which is what we are putting on auto pilot, will still be spent. It will not be set aside for Medicare. If there is not enough money to pay down the publicly-held debt by 2013, a commitment that this Congress and this president have made, nonetheless, the $3 billion in this bill gets spent, no matter what.

Congress should support conservation, I agree with that, but not at the expense of our commitment to protect social security, not at the expense of our commitment to protect Medicare, not at the expense of America's seniors, and not at the expense of our grandchildren by burdening them with additional debt.

The American people have spoken, Mr. Chairman. In a poll conducted, 20 percent of voters said preserving social security was their top priority. Ten percent said paying down the debt was important. Only 1 percent said creating more parks and additional conservation was important to them.

Yet, under this bill, if social security is bankrupt and the debt is increasing and we are raiding the social security surplus, the law would require that we still must spend $3 billion a year on acquiring more Federal land and more conservation funding. It would not allow that money to be spent on saving social security or paying down the debt.

The Shadegg amendment is simple and straightforward. It deals with this very problem. It protects social security. It protects Medicare. It says that the Secretary of the Treasury would have to certify that four conditions are met: First, that we are on track to eliminate the $3 trillion debt by 2013; second, that we are saving the social security surplus; third, that Medicare is not expected to run a deficit within the next 5 years; fourth, that social security is expected not to run a deficit within the next 5 years.

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If the answer to each of these four questions, and they are laid out right here, is yes, then the money gets spent under the bill. If the answer is no, that is, if we are raiding Social Security or if we are raiding Medicare or if we are not paying down the debt, then the money would not be spent before the Congress acts.

Mr. Chairman, I urge my colleagues to support this amendment, and I point out that it has the support of the United Seniors Association, the Sixty Plus Association, and it addresses the concerns of the Concord Coalition.

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

Mr. SHADEGG. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I urge my colleagues to strongly support this amendment. I think it is an excellent amendment. It points out the economic impact this could have. And I think it clearly also points out that what we are creating is an entitlement, as the gentleman from Arizona points out.

This money is going to be spent if we are running a deficit and the ultimate result would be to dip into the Social Security trust fund, because we have to spend it every year. We are creating an entitlement. And I commend the gentleman for what he is proposing and I urge our colleagues to vote for it.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, I would point out that this still allows these monies to be spent. It requires a straightforward certification that these conditions are met before those monies can be spent. And it is a straightforward attempt to make sure that we protect Social Security, we do not raid it; we protect Medicare, we do not raid it; and, we stay on the commitment of this Congress to pay down the debt, the publicly held debt, by 2013.

It is a straightforward and honest amendment that says conservation funding is still important and it ought to occur, but not at the expense of Social Security, not at the expense of

Medicare, not at the expense of paying down our debt.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to claim the time in opposition, and I ask unanimous consent that the time be split with the gentleman from Alaska (Mr. YOUNG).

The CHAIRMAN pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Alaska (Mr. YOUNG) will each be recognized for 5 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER)

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

We are going to have a whole series of amendments this evening that are offered by opponents of the legislation to essentially try to gut the legislation. This amendment, in fact, is flawed and it is trying to obviously use, as so many have from time to time on this floor, the emotionalism of Social Security.

Mr. Chairman, as we know already, there is the pledge by the President, there is a pledge by the Democrats, the Republicans, the leadership on both sides of the aisle, the leadership in both Houses that there is a lock-box proposal that Social Security will not be invaded. This would suggest that CBO is supposed to certify that to eliminate the debt by 2013.

CBO tells us they cannot certify any such thing. They can tell us, as they do now, their best estimates of where we are going and where we are at a particular time in terms of deficit reduction, as we have experienced over the last several years in the size of the surplus.

This is simply an effort by opponents to kill this legislation. We have a number of programs where we spend money automatically, whether it is Robinson-Pittman, whether it is the crime legislation and all the rest of that, and nobody for a moment believes that the Congress is going to do that at the expense of Social Security.

The reason, one of the reasons this Congress has done so little legislatively is that we have a clear commitment to using the deficit to protect Social Security, to protect Medicare, and to pay down the debt.

Due to our good fortunes, we also have the ability to fund a program such as this and I would urge the Members to vote against this amendment.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I would just like my colleagues to look at this little diagram. This is what CARA would take out of the total budget. It is 0.002 percent. That is all it takes out of it. And this amendment would be the first time that a new criteria is set on every bill. Only CARA does it apply to.

Now, the thing that bothers me is that CARA is not about new spending. There is approximately, with the help of the gentleman from Ohio (Mr. REGULA) $1 billion a year that has already been spent. But under this amendment, none of that money would be spent. So we would cut out. No new parks, no wildlife refuge additions, no grants to States, no assistance to landowners or endangered species. None of that would occur.

So what the amendment does is eliminate, in fact, until all that criteria is met, no more spending period for the Department of Interior. And I am sure the gentleman from Ohio (Mr. REGULA) would love that.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I simply want to point out that it does not stop that spending. It only stops that spending from automatically happening. The spending could still occur with the approval of Congress.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, yes, but the spending could not occur until we reach that goal. Although I think some of those are meritorious.

Mr. SHADEGG. No, no, no.

Mr. YOUNG of Alaska. Mr. Chairman, that is my interpretation. I believe that is the way it was presented. And, again, I would like to suggest that this is the only bill that this amendment would apply to. And, of course, this is the only bill before us today.

But if we were going to do as the gentleman wishes to do, then we should apply that to everything. I happen to think, by the way, and I happen to think very frankly one thing we have to keep in mind, if we were to take a poll of all of our senior citizens, I think that we will find that they support this overwhelmingly. They are the ones that use the parks. They are the ones that go to the refuges. They are the ones that are worried about the redwoods, and they are the ones, frankly, worried about the endangered species.

So keep in mind, although the gentleman says that we are going to spend the money away from Social Security or divert it away, remember the intention of the original act, the Land and Water Conservation Act. The Congress owes the American people $13 billion which we have not used correctly, that the law said we should use. That is my concern.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Alaska (Mr. YOUNG) for yielding to me. I only want to point out that there are other revenue sharing mandatory programs in this government. For example, interior States get 50 percent of the sharing of Federal mineral resources on Federal lands within the State. That is paid out every year regardless of our budget problems. Paid out every year.

We just passed mandatory spending for airports. We passed mandatory spending for highways in this country. Those are paid out regardless of our budgetary problems under those mandatory programs. This is nothing new.

None of those programs are conditioned upon anybody certifying the future. Who could predict that future? The bottom line is that this is a red herring to kill the bill and we knew it.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I simply want to clarify the intent of the amendment and the language of the amendment, which says the funds simply would not be automatically spent under those conditions. If the Congress wanted to go ahead and make the appropriations to spend them, then that could occur. It does not prevent them from ever being spent; it simply says they are not spent as an entitlement.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding. I would say the whole point is to stop the funding. That is the situation we have today. That is the situation by which Congress took $13 billion out of what was supposed to be spent and went off and spent it on something else.

And the gentleman from Alaska is correct. No money would be spent unless we could certify that we going to eliminate the national debt by 2013. The very people the gentleman tells us to certify it say they cannot certify any such thing. Remember, 6 years ago, we thought we were going to have $300 billion deficits as far as the eye could see, is what they said. And now people want to tell us that we are going to have surpluses as far as the eye can see now of $300 billion.

So the CBO is trying to say that we cannot certify that. And if they cannot certify that, none of this money can be spent for any of these purposes. And that is the gentleman's intent because the gentleman opposes the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I appreciate the gentleman's comment. I just suggest respectfully that amendment should be rejected. It is a small, small part of this total budget, and I do go back to my senior citizens and I do think they frankly support this legislation.

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

Mr. SHADEGG. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Arizona (Mr. SHADEGG) for yielding me this time, and I must say this debate is absolutely phenomenal. All of the arguments that are being made about the automatic spending are precisely why I oppose the bill. Not because I do not support the conservation, all of the wildlife, all of the good things that are in it.

But remember, 2 years ago we came before this body and we took highway spending off budget. Last year we took aviation off budget. Now we are taking conservation off budget. We are creating new entitlement programs, and I do not know how many times I have stood on this floor and listened to people say we have just got to stop and restrain entitlement spending.

But, Mr. Chairman, because it is a good purpose, and who can argue against all of the good things that are in this bill? But no matter how we color it, spending is spending. And no matter how many times we talk about the good parts of legislation, ultimately we are going to have to make some decisions. And this amendment today does not say we cannot spend it. It just says that we have got to look at what actually is happening in the year in which we are going to be appropriating for various conservation programs and say whether the money is there or not. If it is not there without touching Social Security, we cannot do it.

How many times have we unanimously agreed on both sides of the aisle we are not going to touch Social Security? But now tonight we are going to put automatically in place, on auto pilot, something that will spend $3 billion a year no matter what. We are going to wake up here maybe next year, maybe the year after, maybe the year after that, maybe in 4 or 5 years, but sooner or later the chickens are going to come home to roost.

And we can say all we want to say about the merits of it. I agree with all of my friends on both sides of the aisle that are absolutely, totally in favor of this legislation. But it really bothers me when we continue, year after year, to put new programs on auto pilot and then we are going to come back to the American people and say we are for balancing the budget, we are for not doing anything to Social Security. In the meantime, we have not done anything to protect Social Security.

Mr. Chairman, I urge my colleagues to support the gentleman's amendment. He is right on target.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to make one clarification. The highway funds were tax dollars collected for gas used on the highways. The airport funds were dollars collected for those who use the airports and the airplanes and the fuel that was used. It was not supposed to go to the general fund anyway.

This is exactly the same, because we have $13 billion that is owed to the public because we collected it. It was supposed to be spent in the Land and Water Conservation Fund, and we spent it. We spent it on God knows what. All we are doing in this bill is paying back the public and land and water conservation, endangered species, historical preservation, land easements, and all the rest of things in this good bill, just doing what is correct.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time. There is a lot of discussion here today about this is going to be another entitlement, and we need to correctly budget the tax dollars that come in to this great city.

But that is exactly what we are doing. The gentleman from Alaska just said that the tax dollars that are designated for highways go to highways. They do not go to all the other programs that are out there. The tax dollars designated for airports go to airports. The revenue that we are collecting for conservation, for land easements, for fisheries, for agriculture, for all those things, the dollars collected for that specific purpose from those programs now are not going to be scattered throughout the Federal budget. They are going to be designated with a succinct budget for these conservation programs.

In our home, we designate a certain amount of money from our budget for the mortgage or rent, for water or electricity, for clothing, for recreation. That is exactly what we are doing here.

Mr. Chairman, I ask my colleagues to oppose the amendment.

The CHAIRMAN pro tempore. The gentleman from Arizona (Mr. SHADEGG) has 3 minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 2 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. SHADEGG. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

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

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Mr. OBEY. Madam Chairman, I rise in support of the Shadegg amendment.

Mr. SHADEGG. Madam Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I want to go back to the chart that was used earlier. This, Madam Chairman, is the $2.8 billion that each year goes to CARA. Do my colleagues know what, in relation to the large $1.8 trillion budget, one can argue that is a very, very thin slice of the pizza.

However, let me speak to you as an appropriator. We have lots of competing needs: education need, children with disabilities, defense needs, Social Security, grandmothers raising grandchildren, foster kid care, Medicare, day care, Kosovo. Everything that is in the Federal Government has to come out of this pie.

Now, this $2.8 billion in relation to $1.8 trillion is not that much. But let me tell my colleagues, $2.8 billion a year is not a small amount of money. That is a huge amount of money. I can tell my colleagues one thing. If they got home to their seniors and say, ''Would you want to spend that money on Social Security or on new lands when we already have one-third of the land in America owned by the Federal Government'', they are probably going to say, ''Do you know what? I am more concerned about long-term health care.'' Because seniors cannot afford $50,000 a year for long-term health care. They could come up with other ways to spend that $2.8 billion.

So the question is, under the Shadegg amendment, do we put this land acquisition money in front of Social Security? Do we put land acquisition in front of paying down the debt for our children? Do we put it in front of Medicare. I do not think we do. I do not think our seniors want us to do that.

If my colleagues think they can vote on this one because it is going to gut this bill, they are going to vote against it, let me tell them, I would be very careful because they will be explaining this vote for a long, long time.

We have all worked very hard to support debt reduction, protecting Social Security and Medicare. This gives us a chance to make sure that we all come together and say, does one know what? These are very important things, and I am going to support the Shadegg amendment for that.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I simply rise again in opposition to this amendment, recognizing that the purpose of this amendment is to make sure that no funds can ever be spent under this program. Because what this amendment says, it needs to be certified. The gentleman from Arizona (Mr. SHADEGG) knows very well the CBO has told us they simply cannot certify that.

So in absence of that certification, it has nothing to do with Social Security, it has nothing to do with Medicare, it has to do with the fact that they have to certify something that is 13 years in advance. They cannot certify that. That is the reason why this amendment is designed to kill this bill. This would kill the funding.

I guess maybe this is a fight among the appropriators and everybody else where they apparently can spend money and take everything else into consideration, but we cannot do that

with this legislation because it does not run every nickel through their committee.

I think the point is this, this is simply an amendment to strike this legislation, and it is to try to do it using the emotionalism of Social Security and all of the rest of that. The fact of the matter is we know that people value these programs. They think that we have been derelict in our duty in responding to the needs for these conservation measures.

We ought to oppose this amendment for what it is. It is an effort to kill this legislation.

Madam Chairman, I yield back the balance of my time.

Mr. SHADEGG. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me simply point out, just to use their words, this is an attempt to strike the legislation, to gut it, it is a red herring, it is to make sure that no funding can ever be spent. The whole point, so my opponents say, is to stop the funding. They used the word ''kill''. They say it is designed to kill. They say it would kill the funding. Indeed they are prescient because they can read my mind and understand my intent.

Well, let me make clear. This year the Secretary of Treasury could certify that, in fact, we are paying down the debt. We are on the track to eliminate the publicly held debt. This year, the Secretary of Treasury could certify and would certify we are saving 100 percent of Social Security. This year, the Secretary of Treasury could certify and would certify that we are not expected to run a deficit in Medicare within the next 5 years, and that Social Security is not expected to run a deficit within the next 5 years.

All of the conditions set in this legislation are met this year. Indeed, it is very clear that this year, 2001, even if the Shadegg amendment is adopted, the bill's money will be spent exactly as urged. It is no attempt to gut the bill. It is about protecting Social Security. It is about protecting Medicare. It is about paying down the debt. This year, the money could be spent. It is not an attempt to gut the bill. I urge my colleagues to support it.

The CHAIRMAN pro tempore (Mrs. EMERSON). All time for debate has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SHADEGG. Madam chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 106–612.

AMENDMENT NO. 7 OFFERED BY MRS. CHENOWETH-HAGE

Mrs. CHENOWETH-HAGE. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mrs. CHENOWETH-HAGE:

Page 15, after line 17, insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 6A. NATIONAL MONUMENTS.

No funds made available by this Act (including the amendments made by this Act) may be used for the establishment or management of a national monument designated after 1995 under the Act of June 8, 1906, commonly known as the ''Antiquities Act'' (16 U.S.C. 431 and following).

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this amendment very simply prevents funds from CARA being utilized for the management or creation of national monuments designated after 1995 under the Antiquities Act.

Madam Chairman, for the past 5 years, the current administration has grossly misused the 1906 Antiquities Act to lock up literally millions of acres throughout the United States from production. This first occurred in 1996 when President Clinton, on a campaign stop in Arizona, much to the surprise of every State official in Utah, declared millions of acres in Utah as the Grand Escalante Monument. He pulled this maneuver with virtually no environmental or Congressional process, but simply as a political favor to the Sierra Club.

Now, as the Clinton-Gore administration winds down, Secretary Babbitt has traversed the western United States, declaring ''monuments'' of massive proportion in Arizona and California and scoping others in my own State of Idaho and also in New Mexico, keeping in mind, Madam Chairman, these designations, which have the impact of shutting down activity and economies in the affected areas, are done without any Congressional authorization or even oversight, without any real local input, and without any environmental assessment as required by the National Environmental Policy Act.

In short, Madam Chairman, the President has tortured and twisted a well-intended law to exercise his executive will over the people and livelihoods of the rural West.

While I have worked vigorously with my colleagues to, at the very least, inject due process for these designations, the administration has fought us all the way, not even agreeing to require a basic NEPA analysis.

The one saving hope that we have, Madam Chairman, is that because these actions have occurred through executive order and are thus temporary, we can work with the next administration to once again restore the intended purpose of the Antiquities Act, which is to designate actual monuments which are of truly historic and natural significance.

I believe this is a responsible amendment that even cosponsors of this bill should support. I do urge its passage.

Madam Speaker, I reserve the balance of my time.

The CHAIRMAN pro tempore. For what purpose does the gentleman from Alaska (Mr. YOUNG) rise?

Mr. YOUNG of Alaska. Madam Chairman, I rise in opposition to the amendment, and I ask unanimous consent to yield 5 minutes of my 10 minutes to the gentleman from California (Mr. GEORGE MILLER) for the purpose of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Madam Chairman, I yield myself such time as I may consume. Madam Chairman, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) makes a lot of arguments about the designation of monuments, but this bill has nothing to do with monuments. In fact, very frankly, I do not think if this amendment was adopted, it would stop the President from designating monuments. Only on Federal lands can monuments be created, and it has to be by an edict of the President.

As my colleagues know, the gentleman from Utah (Mr. HANSEN) introduced the bill, and we voted for that bill, and it moved out of the House and sent it over to the Senate to, in fact, keep this type of action from occurring. I supported that and voted for it. Because I think what has been done in Escalante, what was done in Alaska by Stewart Udall, those things were done incorrectly. But that was the prerogative of the President. Until we change that law, that is the only way we can address that problem.

But under this bill, it does not pertain to the monument problem at all. There is no money spent out of this bill for monuments. There is no action out of this bill for monuments. In fact, this bill has nothing to do with monuments.

Now, although I sympathize with the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) and the problem of monuments, in fact, I would support it, have supported the legislation, this is not the place to try to have an amendment adopted to solve that problem. In fact, I oppose the amendment. I strongly object to the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentleman from California for yielding me this time.

Madam Chairman, I would like to thank the gentleman from California (Mr. GEORGE MILLER), ranking member, and the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, for what will prove to be a unique opportunity in conservation and reinvestment when it comes to our green spaces, when it comes to the idea of conservation of our land.

Let me thank constituents of mine from the Contemporary Learning Center, young people who came up and advocated for this legislation because it has great impact on inner city parks, more green space, although it has far-reaching impact.

Let me acknowledge with respect to the amendment of the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) to indicate that I would hope that we would be cautious in the amendments that have no bearing on the particular underlying legislation.

For example, there are no funds in this bill for the establishment of national monuments. Obviously, monuments can be established by the Antiquities Act by the Presidential proclamation.

I happen to believe, however, that we should consider on a case-by-case situation the idea of monuments. The gentleman from Ohio (Mr. REGULA) knows I have discussed with him over a number of years a tribute to Sojourner Truth.

But I think we should stay focused on H.R. 701 and what it does do, which is provide $2.8 billion for annual funding for important conservation and recreation programs. For my community, this is a great influx or insertion of dollars and energy around this idea.

As well, we who are collectively in urban areas and rural areas, can find opportunities in this legislation that will respond to the desires of our communities to be involved in more green space.

I would hope that we would spend time on recognizing that this bill does need to move forward and that we not shackle it with a number of amendments that may inhibit its movement and also opportunity to create greater spaces for our constituents.

Madam Chairman, I ask the support of this entire legislation, and I would ask for the opposition or the opposing of the present amendment.

Mrs. CHENOWETH-HAGE. Madam Chairman, may I inquire as to the time remaining.

The CHAIRMAN pro tempore. The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has 7 minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 4 minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 3 minutes remaining.

Mrs. CHENOWETH-HAGE. Madam Chairman, I yield 3 minutes to the gentleman from Utah (Mr. HANSEN).

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

Mr. HANSEN. Madam Chairman, I appreciate the gentlewoman from Idaho for yielding me this time.

I would like to point out that Theodore Roosevelt was the man who sponsored this 1906 Antiquities law. And he was the man that got it through. Why did he do it? He did it because there was nothing to preserve things. There was nothing to preserve Indian ruins, historic things, scientific things, or nothing. So out of that, fortunately, we have got the Grand Canyon, we have got Zion and Bryce, we have got other great parks.

Since that time in 1915, we got the organic act or the park law. We have got all kinds of bills that now protect the public ground. In fact, even a judge has said this law should probably be repealed because there is no need for it; and besides that, the Constitution is abundantly clear that Congress is the organization that handles the public lands of America, not the Executive Branch.

The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) alluded to the fact that, on September 16, 1996, safely on the South River of the Grand Canyon, the President came there and put 1.7 million acres in the Grand Staircase Escalante.

□ 2030

The bill that I have been referring to says what? That the President in his proclamation shall state the historic or archeological reason for doing something, and in this particular instance, the President failed to do that. I urge my colleagues to read that proclamation; it did not say anything.

Now, what they do not understand is the next sentence in the law says this: And he shall use the smallest acreage available to protect that site. First, he does not tell us what it is. Then he uses 1.7 million acres, and then he goes around the next year in Arizona, right on the Arizona Strip, we get another million acres. Then he goes down to Phoenix, then we get more acres. Then he goes to the coast, and we get more. Then he goes to Sequoia and we get more. Then there are people stand on the floor, Democrats and Republicans, saying Sequoia is well taken care of. Now, do you blame us for being paranoid?

We find ourselves in a situation where my AA called up the day before they did the Grand Staircase Escalante, talked to the top person in the White House, and said we are hearing this rumor, is the President really going to do this? We are hearing the same rumor. Of course not, we do not know anything about it. And the next day he is standing on the south rim of the Grand Canyon and doing this. Do you think anyone else would be paranoid if you get that kind of information?

Right now, my good friends, I am hearing about the Missouri up in Montana. I am hearing about the Four Corners. I am hearing about the Salton Sea. Sure, we are paranoid. I think the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has come up with a great idea. There should be no funding for these things, because Congress is the one to do it.

Madam Chairman, I would appreciate the Members of the House giving some real thought to this. This is true, it is an antiquated law. There is no reason to have it, and I can see no reason in the world to fund this.

Mrs. CHENOWETH-HAGE. Madam Chairman, I yield 4 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Madam Chairman, I thank the gentlewoman for yielding me the time.

Madam Chairman, this amendment is very simple. It says that none of the money within this act can be used for the establishment of monuments under the Antiquities Act. Now, I agree with the chairman of the committee that this legislation does not deal directly with that, but the reason that this is so important, I think, has been proven time and time again over the past 8 years, when the administration has found it inconvenient or not enough money has gone into the areas that they wanted, they turned around and they took money from other places, as the gentleman from Alaska (Mr. YOUNG) is very aware, when it came to Pittman-Robertson money, if they did not have money for the projects they wanted, they just took it out of Pittman-Robertson.

What I am afraid of is that under this act, when $3 billion a year is thrown out and we let them spend it on whatever they want, it may become convenient for them to establish a new monument and then not have the money for it and just take it from here, because there is really not enough sideboards, oversight on this particular spending.

What the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) is trying to do is she is trying to rein in the administration. She is trying to rein in the executive branch. She is trying to pull them back and say, no, it cannot be done unless Congress specifically authorizes it.

I believe this is a very important amendment, and there may be those that sluff it off and say that this does not deal with the Antiquities Act, that this underlying legislation does not deal with monuments, but there is not enough oversight within the legislation to stop them from spending the money on things that they want.

I support the gentlewoman's amendment wholeheartedly. I think it is an important amendment, and I think that it should be added on to the bill.

Mr. GEORGE MILLER of California. Madam Chairman, I believe I have the right to close. Are there any remaining speakers?

The CHAIRMAN pro tempore (Mrs. EMERSON). The gentleman from Alaska (Mr. YOUNG) has the right to close.

Mr. YOUNG of Alaska. Madam Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I want the right to close.

Mr. YOUNG of Alaska. Madam Chairman, I will close if I have to.

Mr. GEORGE MILLER of California. Is the gentleman yielding me the balance of the time?

Mr. YOUNG of Alaska. I yield the gentleman from California (Mr. GEORGE MILLER) the balance of my time for purposes of control.

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes remaining. The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has 2 minutes remaining.

Mr. GEORGE MILLER of California. Madam Chairman, I reserve the balance of my time to close.

Mrs. CHENOWETH-HAGE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I thank the House for allowing this amendment to come up. It is a very, very important amendment, because even as I speak, Secretary Babbitt is in my State, looking at setting aside three different sites as a national monument under the 1906 Antiquities Act. This is a clear distortion of the Antiquities Act. The Antiquities Act very clearly says that the area immediately around the antiquity shall be protected, not one 1.8 million acres like was set aside in Utah and the hundreds of thousands that we expect in Idaho and various other States.

I think this is an amendment that will rein in the kind of ambition that we have seen in this administration. I urge its support.

Madam Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in opposition to this legislation. I think this amendment is a bit off the mark here; the concern here is with the President using the authority that he has under the Antiquities Act to establish monuments. There is nothing in this legislation that gives us the opportunity to do that. We do not have the authority to do that, only the President has the authority to do that.

I think the problem occurs, and this may even be a problem for people who have these monuments in their districts, that is, conceivably under this act, under title VI, some monies might be used for restoration and maintenance; now you have created two classes of antiquities. We can use it for all of the existing antiquities, but for those since 1995, we cannot.

In Utah, where they have this massive track of Federal lands out there, the monies cannot be used to take care of it, to restore it or to maintain it, and that would also be true I guess in California, where I know local citizens are concerned about exactly that effort, now that it is in antiquities how will it be managed, and conceivably some of these funds could be used for that purpose.

I think the gentlewoman is sort of throwing out the baby with the bathwater here and using the idea that somehow Congress can use the Antiquities Act, when Congress has no ability, no authority to use the Antiquities Act.

I do not know if the gentlewoman wants to withdraw the amendment or wants to go ahead with it, but it clearly misses the mark. I think it creates a worse problem for people who already have these, because clearly we cannot establish them. In Utah and in Colorado and Arizona, where they have them, I think they would like to know that they could have some ability to take them.

The gentleman from Utah (Mr. HANSEN) has indicated already the substantial increase in tourists and others who are going to this area, which is a burden on the State in terms of maintenance; that is why I do not know if this is what the gentlewoman really wants to do. The gentlewoman ought to take the first part out, because there is no authority in law for us to do that.

Mrs. CHENOWETH-HAGE. Madam Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentlewoman from Idaho.

Mrs. CHENOWETH-HAGE. Madam Chairman, I must say to the gentleman that, clearly, the Committee on Rules felt that the amendment was in order.

Mr. GEORGE MILLER of California. Reclaiming my time, Madam chairman, the amendment is in order. It is fine. But the President has the authority under the Antiquities Act to do this. There is nothing in this bill that establishes any authority for us under the Antiquities Act because it does not pertain to us.

The gentlewoman is welcome to the amendment.

Mrs. CHENOWETH-HAGE. Well, if the gentleman will continue to yield, this administration usually uses money that has not been either authorized or appropriated, and this just puts a fence around money being used for this purpose. So it is in order.

Mr. GEORGE MILLER of California. Once again reclaiming my limited time, I appreciate that. All I am saying is for Representatives who have had these established in their areas, I am not sure this is what they want to do, to cut off the money for those areas, because that is the law now.

Nobody here is offering to repeal the Utah one or the California one or the Arizona one. So now they have to be maintained because there is increased traffic and tourism and all the rest going to these areas. So the gentlewoman now wants to cut off the ability, by chance, to use this money for the purposes of maintenance or restoration.

Madam Chairman, I urge opposition to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 106–612.

AMENDMENT NO. 8 OFFERED BY MR. POMBO

Mr. POMBO. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. POMBO:

Page 18, line 1, after ''unless'', insert ''specifically''.

Page 18, after line 2, insert the following:

(c) PROTECTION OF RIGHTS IN NON-FEDERAL PROPERTY FROM FEDERAL ACQUISITION OF NEARBY LANDS.—The right of an owner of non-Federal real property to use and enjoy that property shall not be diminished based on the property being—

(1) within the boundaries of a Federal unit as a consequence of the acquisition of lands for that unit with amounts made available by this Act; or

(2) adjacent to Federal lands acquired with amounts made available by this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from California (Mr. POMBO) and a Member opposed each will control 10 minutes.

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

Mr. POMBO. Madam Chairman, I yield myself such time as I may consume.

This is an extremely important amendment. I think it cuts to the heart of a lot of what is wrong and what is broken with our current land management system at the Federal level in this country.

This amendment speaks to when the Federal Government goes into an area by action of this bill, by taking money that is appropriated under this bill and authorized under this bill, and buys one piece of land. And I held this up a little earlier. It is a map of Federal land ownership in this country. And we can see throughout the West most of it is owned by the Federal Government right now. But let us say that they went just outside of this, take Texas as an example, or Louisiana, or any of the States that have very little Federal land, and let us say that they drew on the map a little circle and said we want this to someday be a wildlife refuge, and they buy one little piece of land. Well, what this amendment says is that if they do not own it, they do not control it.

Under current law, under current practice, under current interpretation

of the morass of laws that are currently on the books, the Federal Government, just because it draws something on a map, they have not paid for it, they have not exchanged money, they have not paid the rightful property owner anything, all they have done is they have gone in and drawn something on a map, what this amendment says is that they do not control it, then. It is very simple.

Now, I know most Members of the House, most people in this country believe that, well, the Federal Government cannot control it. The Federal Government cannot put special restrictions on one property owner that it cannot put on another just because some bureaucrat sitting in an office in Washington, D.C. drew a line on a map. But the truth of the matter is they can, and they literally have hundreds of rules and regulations on the books that come down on the head of the poor unfortunate property owner who happens to be inside the line instead of outside the line.

What this amendment quite simply says, if they do not pay for it, they cannot control it. The Constitution states, ''nor shall private property be taken for public use without just compensation.'' It says that if it is for the public good, a wildlife refuge, a national park, a wilderness area, or for something else that people support, they have to pay for it before they can take it. And what I am trying to do is to protect those property owners, the unfortunate property owners, who happen to fall inside the line instead of outside the line.

Madam Chairman, I reserve the balance of my time.

Mr. TAUZIN. Madam Chairman, I rise to claim the time in opposition, and I ask unanimous consent that my friend, the gentleman from California (Mr. GEORGE MILLER), be allowed to control 5 minutes.

The CHAIRMAN pro tempore. Without objection, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes in opposition to the amendment.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the gentleman from California (Mr. POMBO) seeks to change a line that is in the CARA bill that reads, as follows: Let me read this sentence to the Members: The CARA bill provides currently that Federal agencies using funds appropriated by this act may not apply any regulation on lands until the lands or water or an interest therein is acquired.

□ 2045

CARA already does that. It says, in effect, that before the Government actually acquires a land, it cannot impose any regulations or limitations on use on that land even though it proposes to buy that land.

CARA also says, ''unless authorized to do so by another act of Congress.'' That gives the gentleman from California (Mr. POMBO) some trouble and other Members some trouble. But let me tell my colleagues what that means.

What that means is that Congress has, in effect, passed laws that regulate property, not all of which I agree with, not all of which many of us agree with. Congress has passed laws to protect, for example, mining in public parks and recreational areas and wilderness areas to protect against certain activities in those parks.

It certainly has passed a lot of laws and regulations aimed at protecting species that are endangered and threatened and the wetlands and a whole host of Federal environmental protective legislation. That does affect potentially the use of their property.

CARA also includes the language, I should point out to my friend the gentleman from California (Mr. POMBO), of the fifth amendment. It restates it. It says that whenever any property under CARA, or otherwise, is affected by a taking under the fifth amendment, due compensation is going to get paid.

But CARA does precisely what the gentleman from California (Mr. POMBO) wants. It says that until the Government actually acquires the property that is proposed to be acquired, no new regulatory authority is granted under this act that does not already exist in some other act.

Now, I would like to change some of those other acts. I know the gentleman from California (Mr. POMBO) would, too. But that is not what we are doing today. We are discussing CARA. And we are talking about a problem that the gentleman from California (Mr. POMBO) has. And I agree with him, it does happen. But agencies do, on occasion, try to impose regulations on proposed acquisitions. And those things do happen. It is unfortunate. The gentleman from California (Mr. GEORGE MILLER) and I went over some examples of that.

CARA tries to cure that and says so very clearly, no regulations under CARA can be imposed upon proposed acquisitions until the Government takes title. It is as clear as a bell.

CARA does correctly recognize, however, that there are other acts of Congress that may impose certain restrictions on the private use of private property. If they impose a taking, CARA provides compensation rights under the fifth amendment. And that is precisely what CARA ought to do.

The amendment of the gentleman from California (Mr. POMBO) would seek to interfere with those other statutes through this bill. I do not think this is the place to do it. And the amendment of the gentleman from California (Mr. POMBO) therefore would cause some real problems not only with this bill but many other statutes, such as those that protect against mining in Yellowstone Park, for example.

I would suggest that this amendment needs to be defeated.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, the gentleman from Louisiana (Mr. TAUZIN) has just accurately explained the situation within CARA. We went around and around on this in the negotiations for many, many days and many, many hours; and we provided exactly the protection that the gentleman from California (Mr. POMBO) says that he wants.

What we could not assure, as the gentleman from Louisiana (Mr. TAUZIN) has pointed out, we could not assure him that other laws of the United States would not come into play, such as clean air and clean water.

If they have a national park and somebody on the boundary of that national park wants to put in a gas station and they want to sell gas with MTBE, and we now know that leaks into the groundwater, under the Clean Water Act, under the Clean Air Act, they might be able, like any other landowner, to say, I do not want them to do this, they are infringing on my property rights.

And one thing we said was that we could not diminish the right of the Federal Government that other property owners have. If they have a piece of property and a person comes along and they want to put in a smelting plant, they might want to know what the air quality coming out the smokestack is. So would the National Park Service.

If they want to put in a mine, if there is going to be toxic waste in that mine that goes through and into a river that runs through one of our national parks, the National Park Service may want to ask some questions about that. That is under the other laws. But in and of this act, they do not get to impose the burdens on property owners. That is what was hammered out, and the gentleman from Louisiana (Mr. TAUZIN) has explained it perfectly right. That is the agreement that was handed out.

But we are not going to use CARA to waive the Clean Air Act, to waive the Clean Water Act, to waive the Superfund legislation. That is not what CARA is going to be used for.

CARA, with this amendment, would be used as a battering ram by landowners against other basic environmental laws in this Nation. And that is not what is to be done. If somebody wants to do that some day when the Clean Air Act is on the floor or the Clean Water Act, they can hammer that out. But they cannot use the Pombo language to strike down the basic environmental laws of this Nation.

We have protected the landowner from CARA. We have protected those

people. The one incident that the gentleman from California (Mr. POMBO) brought to our attention, in fact inside that refuge line vineyards have been planted, wineries have been started, subdivisions have been started, homes have been remodeled. All of these activities have been carried on. Because you do not have the right to do that without just compensation, as the gentleman from California (Mr. POMBO) and the gentleman from Louisiana (Mr. TAUZIN) pointed out.

Madam Chairman, I reserve the balance of my time.

Mr. POMBO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would like to point out that my colleague from California is absolutely wrong, did not read the amendment; and what he is talking about I would not propose and has absolutely nothing to do with this particular amendment.

What this amendment says is that just because as an action taken under this act that they get put inside one of these Federal boundaries, they would not be treated differently than someone outside of the boundary.

The Clean Air Act still applies, the Clean Water Act still applies, the Endangered Species Act still applies just like it does today. This amendment does not change any of that.

Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Chairman, I rise in strong support of this amendment, which will provide common sense protections and peace of mind to property owners affected by this bill.

H.R. 701 enhances the Government's appetite for an ability to own and control even more of our country's land even while reducing the amount of private property individual Americans can own.

Madam Chairman, where does it stop? The Federal Government already owns nearly one-third of the total land base in the United States. In the West, Government ownership is staggering. They control 54 percent of the land in 12 western States. In some counties in California, it is 90 percent.

If they want more land, great, buy it in the East. The Government only owns 6 percent of the land east of the Mississippi.

We are being reassured that this bill will not coerce the sale of private land because it has a willing seller requirement. The idea of a willing seller is a myth. The reality is that, with enough government pressure, a private landowner will become willing to sell as the rights to use his land are squeezed by burdensome Federal, State, and local government ordinances, policies, and laws.

The Federal Government can and does regulate property owners into submission, making them willing sellers only after the value of their land has dramatically fallen and only after they have lost their ability to earn a living.

Madam Chairman, H.R. 701 has grave consequences for private property ownership. I urge my colleagues to support the protections proposed in the Pombo amendment.

Mr. TAUZIN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me point out that in the negotiations on this bill, when the gentleman from California (Mr. POMBO) raises the question of whether or not there were in fact regulatory authorities that affected lands that were not yet in the park ownership yet but, nevertheless, around it; and we were told at first that there were no such things. And then, sure enough, there are all kinds of laws in effect right now that do in fact provide some regulatory authority under existing law for those lands.

They include, for example, under the NMPS Organic Act, NMPS can regulate inholdings where there is a session of jurisdiction from the State to protect park resources, provide wildlife protection, preclude discharge of firearms, forbid the starting of fires, to prohibit gambling, to name just a few.

In short, there are other laws that protect parks and resources from all kinds of activities, the likes of which I do not think my colleagues would probably want around a place like Yellowstone. Those laws are in effect today.

The problem with the Pombo amendment is that it would threaten the implementation of those laws even though the bill as written clearly says that no new regulations stem from CARA. In other words, nothing in the act crafted through these delicate compromises increases nor diminishes any authority under existing law to regulate private property that is not already enjoyed by the Government in fee ownership. Nothing in CARA increases or diminishes regulations on private property.

But just to make it abundantly clear again, we have included in CARA the protection of the fifth amendment, that if any other regulation that exists in current law operates to so limit the use and enjoyment of private property outside of a park, that that landowner is entitled to the fifth amendment protections of just compensation.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I reserve the balance of my time.

Mr. POMBO. Madam Chairman, may I inquire how much time remains.

The CHAIRMAN pro tempore (Mrs. EMERSON). The gentleman from California (Mr. POMBO) has 4½ minutes remaining. The gentleman from Louisiana (Mr. TAUZIN) has 15 seconds remaining. The gentleman from California (Mr. GEORGE MILLER) has 3 minutes remaining.

Mr. POMBO. Madam Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I want my colleagues to pay real close attention to what the Pombo amendment is saying. It simply says, if they are a landowner and they are next door to Federal land, then their property rights should not be diminished.

For crying out loud, this is a no-brainer. Is this not the United States of America? I know Cuba has been in the news a lot lately. Are we starting to emulate what goes on in other countries or imitate it?

We are saying, if they own private land next to private land, their rights should not be diminished and this is being rejected by people who have sworn an oath of loyalty to the Constitution of America? This amendment is being rejected by fellow Americans?

For crying out loud, all we are saying is that if they own land next to the Federal Government, they get their constitutional rights. But I cannot believe it. My friend and colleagues are saying, no, no, no. We are the Government and there are things the common people do not understand, because we are Washington and we have the franchise on this intellectual elitism that is going to run the country in the new world order and we do not want fellow Americans to enjoy the right of pursuit of happiness and property.

This is a sad day, my colleagues. I may say this speech with a little flippancy. But all the Pombo amendment says is that, if their land is next to the Federal Government land, they can enjoy their private property rights constitutionally given to them, written at the Constitutional Convention in 1789.

We are saying, no, the Congress of the United States in the year 2000 is too advanced to accept those longstanding principles.

This amendment should be accepted without a vote.

Mr. POMBO. Madam Chairman, I yield myself the balance of the time.

Madam chairman, I would like to bring us back to what we are doing here today. We are approving legislation which will shove almost a billion dollars a year into land acquisition every single year.

What I am saying is that, if under this act, because we are shoving so much new money at new land purchases, if the Federal Government goes in and goes after land that is around their property or adjacent to the land that they own, that the Federal Government is not going to control the land that they own, as a private property owner and as an American citizen, that they are not going to take away their property rights just because we are shoving another billion dollars a year into land acquisition.

□ 2100

This is one of my major complaints with this legislation. The Federal Government goes in and through adverse condemnation takes away property rights through regulation, away from

private citizens. They do not pay for it. They do not sit down and negotiate a fair price. They just take it.

Now, let us just say that you happen to know a little inn on the side of a river somewhere. It is a beautiful place. The government comes in and buys the land around you and they tell you, ''We don't want you there anymore.'' Under current law, they can shut you down. They can say, you cannot improve your place anymore, you cannot discharge anymore, you cannot put a fire in your fireplace anymore, all because they came in and bought land around you. This bill has a provision for a willing seller in it and I will be damned if you are not going to become a willing seller under that provision. That is exactly what is going to happen.

All I am trying to do is to protect those property owners that end up because of this bill getting stuck inside some green area, not because of any action of their own but because of an action of this Congress. I just want to protect those property owners. That is all this amendment is trying to do. Darn if Members should not accept it.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself such time as I may consume. It is very interesting rhetoric. He says if you own some land inside of a green space. Yes, if you have an inholding inside of Yellowstone Park or Yosemite Park or Grand Tetons or the Everglades, there are other laws on the books that keep you from strip mining inside of that park, from oil and gas development inside of that park, because of the impact on the parks, the national park system of this country. Waste disposal. You do not get to just create waste disposal. You do not get to create a toxic site and have it run off your land.

The fact of the matter is under this legislation, CARA gives no authority to regulate as the gentleman from Louisiana (Mr. TAUZIN) pointed out in his opening remarks. No authority to do that. There are other laws. There are other laws on the books such as Clean Air and Clean Water, the mining act, mining in the park lands. Those laws still continue to apply. That is just a matter of a good neighbor. All we are saying is that there is nothing in CARA that expands that authority. They cannot shut down your inn. If they do, they owe you just compensation. That is the way the Constitution of the United States exists.

This amendment ought to be rejected because it is designed to undercut the other basic laws of the land that might apply to those lands that have nothing to do with CARA.

Mr. TAUZIN. Madam Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Madam Chairman, I thank the gentleman for yielding. Let me read to my colleagues what is in CARA again. CARA says right now, Federal agencies using funds appropriated by this act may not apply any regulation on any lands until the lands or water or an interest area is acquired in effect by the government. Until it is acquired, no new regulations. As far as other acts that apply regulations to those lands, they still apply. We do not change that. But we do protect against CARA increasing any regulatory authority on any land located next to any park. This amendment ought to be rejected.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentleman from California (Mr. POMBO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. POMBO. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from California (Mr. POMBO) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 2 offered by the gentleman from Ohio (Mr. REGULA); amendment No. 3 offered by the gentleman from California (Mr. RADANOVICH); amendment No. 4 offered by the gentleman from Colorado (Mr. TANCREDO); amendment No. 6 offered by the gentleman from Arizona (Mr. SHADEGG); amendment No. 7 offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE); and amendment No. 8 offered by the gentleman from California (Mr. POMBO).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. REGULA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. REGULA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 317, not voting 8, as follows:

[Roll No. 160]

AYES—109

Archer
Armey
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Chabot
Chenoweth-Hage
Coburn
Combest
Cook
Cubin
DeLay
DeMint
Dickey
Doolittle
Doyle
Duncan
Ehlers
Emerson
Ewing
Fletcher
Ganske
Gekas
Gibbons
Gillmor
Goodlatte
Granger
Green (TX)
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson
Istook
Jenkins
Johnson, Sam
Kasich
Knollenberg
Kolbe
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
Manzullo
McInnis
Miller, Gary
Mollohan
Murtha
Ney
Nussle
Obey
Ortiz
Oxley
Paul
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Ryan (WI)
Ryun (KS)
Salmon
Schaffer
Sessions
Shadegg
Sherwood
Simpson
Skeen
Smith (MI)
Smith (TX)
Stenholm
Stump
Sununu
Talent
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Visclosky
Wamp
Watkins
Whitfield
Wicker

NOES—317

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley

Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Oberstar
Olver
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Vitter
Walden
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Bateman
Berman
Campbell
Coble
Franks (NJ)
Lucas (OK)
Martinez
Wise

□ 2126

Messrs. BLILEY, KINGSTON, EVERETT, ROYCE, McNULTY, GOODE, SCARBOROUGH, DREIER, and YOUNG of Alaska, and Ms. EDDIE BERNICE JOHNSON of Texas and Ms. DUNN changed their vote from ''aye'' to ''no.''

Messrs. LEWIS of Kentucky, GANSKE, MURTHA, WHITFIELD, ORTIZ and HINOJOSA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mrs. EMERSON). Pursuant to House Resolution 497, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. RADANOVICH

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. RADANOVICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 273, not voting 8, as follows:

[Roll No. 161]

AYES—153

Aderholt
Archer
Armey
Ballenger
Barr
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Condit
Cook
Cubin
Cunningham
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Fletcher
Fossella
Fowler
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller, Gary
Myrick
Nethercutt
Ney
Norwood
Nussle
Obey
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Pryce (OH)
Radanovich
Regula
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Young (FL)

NOES—273

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pickering
Pickett
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shows
Shuster
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Bateman
Berman
Campbell
Coble
Franks (NJ)
Lucas (OK)
Martinez
Wise

□ 2134

Mr. HOLT changed his vote from ''aye'' to ''no.''

Mr. SWEENEY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY TANCREDO

The CHAIRMAN pro tempore (Mrs. EMERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 315, not voting 10, as follows:

[Roll No. 162]

AYES—109

Aderholt
Archer
Armey
Barr
Barrett (NE)
Bartlett

Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Burton
Buyer
Calvert
Cannon
Chabot
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cubin
Cunningham
DeLay
DeMint
Dickey
Doolittle
Emerson
Everett
Fletcher
Fossella
Gibbons
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Johnson, Sam
Kingston
Knollenberg
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McHugh
McKeon
Metcalf
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Ose
Oxley
Paul
Petri
Pitts
Pombo
Radanovich
Regula
Reynolds
Rogan
Rohrabacher
Royce
Ryun (KS)
Salmon
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker

NOES—315

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Bateman
Berman
Camp
Campbell
Coble
Franks (NJ)
Istook
Lucas (OK)
Martinez
Wise

□ 2143

Mr. POMEROY changed his vote from ''aye'' to ''no.''

Mr. HOBSON changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY SHADEGG

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 208, not voting 10, as follows:

[Roll No. 163]

AYES—216

Aderholt
Archer
Armey
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Evans
Everett
Ewing
Fletcher
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Luther
Manzullo
McCollum
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Biggert
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Ehlers
Engel
English
Eshoo
Etheridge
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.

Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Shuster
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—10

Bateman
Berman
Campbell
Coble
Franks (NJ)
Istook
Jefferson
Lucas (OK)
Martinez
Wise

☐ 2152

Messrs. HILL of Indiana, EHRLICH, GEKAS and COOKSEY changed their vote from ''no'' to ''aye.''

Ms. RIVERS changed her vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MRS. CHENOWETH-HAGE

The CHAIRMAN pro tempore (Mrs. EMERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 265, not voting 9, as follows:

[Roll No. 164]

AYES—160

Aderholt
Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Fletcher
Fossella
Fowler
Gallegly
Ganske
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCollum
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker
Wilson
Wolf
Young (FL)

NOES—265

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—9

Bateman
Berman
Campbell
Coble
Franks (NJ)
Istook
Lucas (OK)
Martinez
Wise

☐ 2201

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. POMBO

The CHAIRMAN pro tempore (Mrs. EMERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. POMBO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 253, not voting 10, as follows:

[Roll No. 165]

AYES—171

Aderholt
Archer
Armey
Baca
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Danner
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Everett
Ewing
Fletcher
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte

Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Manzullo
McCollum
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker
Wilson
Young (FL)

NOES—253

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
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Greenwood
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Hill (IN)
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Hooley
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Houghton
Hoyer
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Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
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Klink
Kucinich
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Lewis (GA)
Lipinski
LoBiondo
Lofgren
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McCarthy (MO)
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McDermott
McGovern
McIntosh
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Meek (FL)
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Menendez
Millender-McDonald
Miller, George
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Moran (VA)
Morella
Nadler
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Obey
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Price (NC)
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Traficant
Turner
Udall (CO)
Udall (NM)
Upton
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Vento
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Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
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Young (AK)

NOT VOTING—10

Bateman
Berman
Campbell
Coble
Franks (NJ)
Hall (OH)
Istook
Lucas (OK)
Martinez
Wise

□ 2208

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. PEASE). It is now in order to consider amendment No. 9 printed in House Report 106–612.

AMENDMENT NO. 9 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PETERSON of Pennsylvania:

Page 18, after line 15, insert the following:

SEC. . FEDERAL ACQUISITION OF LANDS ONLY WITHIN DESIGNATED BOUNDARIES.

Notwithstanding any other provision of this Act, the amendments made by this Act, or any other provision of law, amounts made available by this Act (including the amendments made by this Act) may not be used for any acquisition by the Federal Government of an interest in lands except lands located within exterior boundaries designated before the date of the enactment of this Act of an area designated by or under Federal law for a particular conservation or recreation use, including lands within such boundaries of a unit of—

(1) the National Park System;

(2) the National Wilderness Preservation System;

(3) the National Wildlife Refuge System;

(4) the National Forest System;

(5) the national system of trails established by the National Trails System Act (16 U.S.C. 1241 et seq.);

(6) federally administered components of the National Wild and Scenic Rivers System; or

(7) national recreation areas administered by the Secretary of Agriculture.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment before us this evening will help us to focus on our land purchases. It is my view, in America, we have not focused on what we are purchasing. It is like we purchase everything that we possibly can purchase; and sometimes it is appropriate, and sometimes it is not. We own one-third, over 700 million acres of America at the Federal level. When we add the States, we are approaching 45 percent land ownership by government. When we add local government, we are approaching 50 percent of America owned by government.

So I think it is important now that we are going on a track where we are going to be purchasing a mandated amount each and every year hereafter that will be mandated through this legislation. This legislation will focus to purchase within the boundaries and including the National Park System, the National Wilderness Preservation System, the National Wildlife Refuge System, the National Forest System, the National System of Trails established by the National Trail System Act, federally administered components of the National Wild and Scenic River System, and the national recreation areas administered by the Secretary of Agriculture. It will keep us busy for many years finishing the projects we have started.

I think it is important that we focus. Just a few weeks ago, at a hearing in the Subcommittee on Interior, it was obvious that the Fish and Wildlife Service is focused. They are starting five new refuges each year without legislative authority, without any approval by anybody. One was with two-thirds of an acre.

In the last 6 years, they have started 30 new refuges without legislative approval. Those refuges must be maintained by the taxpayers of this country. We do not get even adequate reporting on how much it costs to maintain them and to complete them.

So I think it is important in this legislation that we focus on our priorities and that we finish the projects we have started.

Should we pay our current taxes before we buy more land? We had that argument earlier, and we lost it. I do not think any of us would advise our children if they could not pay their taxes to buy more land. But this Congress has never paid its taxes, which is PILT, as legislated by law to the county and townships and the boroughs across this land that lost their tax base. It is not urban America. It is not suburban America. It is rural America that continues to lose its tax base.

We buy more land, and we do not pay our taxes or PILT. It is our tax payment. We should pay PILT first. We should focus on our inholdings. We should have some sense as to why we are buying what we are buying. We should put our resources to complete the projects we started.

□ 2215

That is the reason I have offered this amendment, and I ask for your support.

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

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to divide my time with the gentleman from California (Mr. GEORGE MILLER).

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the business of the amendment limits Federal acquisitions to in-holdings, unless the property is within the boundaries of an existing Federal property an in-holding, there can be no new acquisitions. In doing so, of course, it says, in effect, that if a willing seller wishes to sell property that is partially in, partially outside the boundaries of an existing Federal facility or if he wants to sell property that is adjacent to, if the government is interested in launching a particular reserve or wilderness area and there is willing sellers willing to sell that property, this amendment would prohibit that sort of a purchase.

In a sense, it inhibits the property rights of the landowners who want to sell, who want to sell their property for the expansion of a park.

The gentleman from Pennsylvania (Mr. PETERSON) makes much of the fact that under current law, agencies are creating new parks in wilderness areas by acquiring an acre, or some acreage, without ever coming to Congress, without every notifying Congress.

The beautiful thing about CARA is that that can no longer happen. Under CARA, every land acquisition has to be reported to Congress, whether it is from a willing seller or not, and Congress makes a determination by specific grant of authority through the appropriations process to acquire a piece of land.

The argument that the gentleman makes that current law is failing counties and States of America is correct, CARA fixes that by requiring, in effect, that any new acquisitions be approved by Congress, not just approved by Congress in some report language, approved by Congress in specific line item appropriation by the committees of Congress. Not only does CARA provide for that, but it provides that the government must notify all the local officials, including the Congressman, that a land acquisition is proposed, so that there is full notice, the government has to go through the full process of saying it really would like to have this property.

Congress has to come in and say that it wants to acquire it and it has to appropriate a specific line item to do it. To limit the acquisition to in-holdings severely restricts the ability of this program to, in fact, work to build a refuge, a wilderness area or reserve where there are willing landowners prepared, and, in fact, anxious to sell their property to do so.

I hope Members look at it that way. It is a limitation on the property rights of the landowner who wants to sell, who happens not to be completely an in-holding property within the Federal Reserve. This amendment ought to be defeated, and I hope it will be.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I rise in strong opposition to this legislation, let me tell the Members why. I hope the Members will follow this along, this is really strong anti-property rights legislation.

If we look at the bill, it prohibits the government from buying land that people may want to sell to the government, so you are a landowner next to a national forest, there is a lot of rural America that is in that, and I happen to represent one of those districts. And I actually have many people, more people want to sell their land because it is rural. They do not want to see it developed, they protected it as families, and their number 1 interest is selling that land to the National Forest Service; they are not an in-holding, but they are next to the line.

Under this legislation, they cannot be a seller. They are prohibited from selling, and why that affects property values is there may not be another buyer around. So we are curtailing the free market, a lot of people have been arguing in legislation like this that it ought to always be one where there is only willing sellers. Well, here is the case where the willing sellers are there, the line is longer than the money we have appropriated, and we are denying them under this legislation, even when the money is there.

Secondly, look what it is, it is not against cities that want to do this or Washington, D.C. that would like to expand in the urban area, this strictly limits recreational areas, the places where people in America like to go, the place that makes this country grand, this country magnificent, this country bold. It is our national resources that make people want to take pictures of and postcards of. This limits national parks, national wilderness preservation system, national wildlife refuge system, the national forest system, the national trail system, the national wild and scenic river system and the national recreation areas. That means if you are a private landowner around any of these areas, under existing law, you would be allowed to sell your land if you wanted to at a price agreed to by you, you could not do it.

This is anti-property rights. I urge a strong no.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I find it interesting, to listen to the last speaker, you would think that every person that owns a land next to Federal land who wants to sell it, the Federal Government should buy it. When the Federal Government owns a third of America, I believe we ought to focus on completing the parks, completing the areas that we have already started, completing our State parks, national parks instead of having in-holdings that are valueless to people in them. We ought to be focusing there.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I support the amendment, but I am really curious as to how the authors of the bill do not quite seem to understand their own bill yet, because they keep saying if this bill passes, we will not be able to purchase more land. Well, the distinguished chairman of the Interior Committee on Appropriations is here, and he will tell us the committee can continue buying land as it is. It is just that $2.8 billion becomes a land entitlement, which I know is the goal of the Democratic party to create a new entitlement. The Republicans seem to be going in agreement with that. Some of them are. The reality is you can still, on top of this, buy land.

If Members do not believe me, go back to 2 hours ago, where you accepted the amendment of the gentleman from Indiana (Mr. SOUDER) and the gentleman's amendment says that the CARA funding will simply supplement annual appropriations for activities of the National Park Service.

Now, that is making it clear. It is just a supplement, a $2.8 billion supplement. It is one that unfortunately a lot of our Members seem to want to put in front of Medicare and Social Security, I am very upset about that, as I know seniors are, that some people are still concerned about putting land acquisition in front of Medicare and Social Security, which seems to be one of the purposes of CARA.

One of the other points that was mentioned earlier tonight is that this fixes something that is broken. Let us. The Federal Government owns 32 percent of the land in the United States of America, not counting military posts, but it is broken. The purchasing mechanism is broken? I do not follow that. It does not make sense to me. I would say it is working real well.

Then this concept of any willing buyer, as the gentleman from Pennsylvania (Mr. PETERSON) said, what is this, a garage sale? Somebody has got some land and the Federal Government is obligated to buy it?

What about the vision and the question that still remains unanswered by the proponents of CARA; how much land in the United States of America should the Federal Government own? 25 percent, 30 percent, 50 percent. I would love to hear that answer from the CARA people so we can put a cap on this.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me read the amendment, it says, in effect, that notwithstanding any other provision of the act, amounts made available by this act may not be used for any acquisition of the Federal Government of an interest in lands, except lands located within exterior boundaries already designated.

It says you cannot spend the money to buy anything but an in-holding. Now, I did not argue that the government ought to have to buy every land from every willing seller who lives adjacent to a wilderness area. I simply argued if the government wants to buy it and if the Congress actually considers an appropriation and passes an appropriation under CARA to buy that property and it is not an in-holding, but it is adjacent and a willing land owner willing to sell it, that we ought not prohibit that transaction.

This amendment prohibits that transaction by simply saying that none of the funds are in CARA. Of course, Congress, if it wishes to, can change CARA, it can also amend CARA next year. It can pass a special bill changing this provision that says you can now buy in-holdings, or this particular inholding if it wants to, but this language going into CARA says as a principle of the expenditure of these funds, that only in-holders need apply when it comes time to selling land to the government anywhere near a Federal Government reserve wildlife system or national forest service.

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

Mr. TAUZIN. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, the point of the Peterson amendment is that it limits CARA funds, but it does not limit the ability of the Committee on Appropriations or the authorizing committee.

Mr. TAUZIN. Mr. Chairman, reclaiming my time, it is exactly what I just said, that it certainly does not limit future Congresses to change CARA. It does not limit future Congresses to make a special appropriation for an inholding if it wants.

It sets down as a principle of law in CARA, that CARA funds cannot be used where there is a willing seller and the government is interested in purchasing the property and the Congress follows all of the steps outlined in CARA for its acquisition.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I strongly support the gentleman's amendment. If we are going to have this $2.8 billion annually, it seems to me that the focus ought to be on the in-holdings. Obviously, there are other funds available as was brought out in the earlier statements by the Members, but the Federal Government can still purchase land if it feels it needs to, but in-holdings are a big problem throughout our Nation with the national parks, and the wilderness areas and so forth. This bill, if it is going to provide this kind of funding, it would be well used to start there.

I represent a mountainous and rural district in parts, and I can tell the Members that it would be helpful to focus on the in-holdings.

I think the gentleman from Pennsylvania (Mr. PETERSON) has made a very valid point. I think his point about getting full funding for PILT is key. We debated that issue and lost on it. We hope somehow we can get that addressed in the future, but the Peterson amendment is a good place to start. And I urge an aye vote.

Mr. PETERSON of Pennsylvania. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. PETERSON) has 3½ minutes remaining, the gentleman from California (Mr. GEORGE MILLER) has 2½ minutes remaining; the gentleman from Louisiana (Mr. TAUZIN) has no time remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time to close.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. PETERSON) for yielding me the time.

Mr. Chairman, we just had a vote on an amendment that I offered which would have protected the property rights of those in-holders that we are talking about in this particular amendment, unfortunately that amendment was defeated. My friends voted against it. They said that the Federal Government could come in and control the land that they did not own; that they could tell private property owners what they could do or could not do with their private property, and the will of the House was that that would proceed; that we would do that to those private property owners.

Now, having voted that way, having made that decision and told those property owners that we were going to control their property, even though we did not know own it, the least we can do at that point is to approve this amendment, because this amendment now says that that is our priority, we have to go in and buy out those in-holders. We have to go in and pay those people for their land, because see we do not want to protect their property rights, we voted against that, we said we want to control them.

Now, the least we can do is pay them for the land that we are taking from them. That is the only consistent vote that we can cast now in terms of protecting those private property owners, unless, of course, we just want to say we do not care. We want to take your property; we do not want to pay you for it. We want to expand all over the country and create more in-holders and never pay for the land that we are taking through adverse condemnation.

It is a very simple amendment. It is very straightforward. The decision was made on the previous amendment. Now, I believe we have no choice but to support this amendment.

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) has the right to close with his time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we conclude this discussion on this legislation, it is one thing that is obvious to me; there is no plan, there is no focus, and that enough land is not enough land for the government to own. But the Federal Government owning a third, when we combine State and local, we are close to half.

□ 2230

The strength of America has been private property ownership. We certainly have enough Government ownership.

The example I gave of the Fish and Wildlife Service will continue. They have their own pot of money. Congress somewhere along the way erred and gave them the ability to buy land without Congressional approval. And they are going to continue to do that, five refuges a year, growing them into thousands-of-acre refuges. This we to maintain.

We are building a backlog. We already have a backlog on Federal land owned from 30 to 50 billion dollars. And we just wink at that and we take every nickel and dime we have to buy more land, as if we do not have enough public land.

Now, we may not always have the right land, because we do not want to trade. We do not want to have no net gain. This body has resisted anything that would bring common sense to this legislation.

I urge my colleagues to think seriously that, as we obligate the taxpayers of the future, we ought to focus on what land is appropriate, and inholdings seem they ought to be first, and when we complete our inholdings we can change it and do something else, but we ought to complete what we start, we ought to inventory what we own, how much it is going to cost to maintain it, and we ought to pay for it and we ought to pay our taxes before we buy another acre of land that is PILT.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, this kind of simple prohibition simply is unworkable and takes the thought processes out of setting priorities and making determinations about different values, about different emergencies, about different situations.

The fact of the matter is very often we buy some private property to relieve pressure on other private property owners. We know that a number of endangered species problems have been solved because the Federal Government was able to aggregate some areas for protection that then freed up other landowners so that they could put their lands to the productive use or the changes or whatever that they wanted to participate in. So now we would say, no, they cannot do that.

We know very often that we buy property sometimes because it threatens the values and the purposes of the national preserve, whether it is a park or whether it is the forest. We buy some lands so that we can then swap those lands for some other lands that private property or a city or a county wants to put to use. They want us to buy certain lands and swap different lands with them.

Those are all determinations made by elected officials at local levels and in the Congress and in the Senate and city council members. They use their judgment.

Yes, there is a backlog. But let us not pretend like this Congress has been working it off recently, because the Congress has not funded that. But we should not take away those kinds of determinations.

Under this thinking, what they would say is that they could not build three fighter planes at the same time or they could not build a new class of submarine until they finished the old one.

No, we have different situations that emerge in the running of this Government; and the fact of the matter is that we make determinations and we use our best judgments. And so, now they want to say that they can only use this money for inholdings. But, in fact, if an emergency comes up or they have to protect a Federal asset, then they have to go through a lot of rigmarole.

The fact is that this system has worked very, very well. Because we have purchased inholdings. We have purchased lands contiguous to these lands where we think they have a particular value or in some cases where landowners want out because they want to do something to the land, they want to go into some other business and the Federal Reserve is inconsistent with that.

These people use it. They do not run around willy-nilly. Most of these purchases from the Land and Water Conservation Fund are made because Members of Congress go to the Committee on Appropriations and ask that they be made.

Every year we trudge down there, we send letters, we get all the people in our delegation to sign them. And they come from both sides of the aisle, and they come from most of the Members who have spoken here tonight asking for the Federal Government to buy these lands. And they want to posture and put a straitjacket on these Federal agencies so they cannot provide the kind of stewardship that the Nation's lands deserve.

I ask for a no vote.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

It is now in order to consider amendment No. 10 printed in House Report 106–612.

AMENDMENT NO. 10 OFFERED BY MR. CHAMBLISS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CHAMBLISS:

Page 19, line 3, strike ''without further appropriation'' and insert ''subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter''.

Page 30, line 12, strike ''without further appropriation'' and insert '', subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter''.

Page 48, line 8, strike ''without further appropriation, in each fiscal year'' and insert '', subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter''.

Page 56, line 6, strike ''without further appropriation'' and insert '', subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter,''.

Page 63, line 5, strike ''without further appropriation'' and insert '', subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter''.

Page 64, line 17, strike ''without further appropriation'' and insert ''subject to appropriations for fiscal years before fiscal year 2005 and without further appropriation for fiscal year 2005 and each fiscal year thereafter''.

Page 70, line 10, strike ''without further appropriation'' and insert ''subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter''.

Page 71, line 20, strike ''without further appropriation'' and insert '', subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter,''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Georgia (Mr. CHAMBLISS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a bill that addresses the concerns of a number of my colleagues, along with myself, have with respect to a budget issue with this bill.

CARA sets up mandatory funding mechanisms whereby $3 billion in mandatory spending is annually taken from the Outer Continental Shelf revenues to the various programs and it goes to the various programs under the bill.

This means that if the requirements are met under each title of the bill that that money automatically goes to the State, the grantees, or whoever the recipients may be in the form of mandatory spending. The appropriators would play no role in controlling how a vast amount of the money is spent unless this amendment is adopted.

Now, the problem with the bill is that it requires this $3 billion in mandatory spending and 4 weeks ago we adopted a budget that simply makes no provision for this $3 billion.

Now, if this bill becomes law as currently structured, the amount of debt paid down or available for tax relief as assumed by the budget resolution will be reduced by this $3 billion every year, or roughly $15 billion over 5 years. Such a bill is at odds with the budget resolution that was adopted 4 weeks ago.

Now, my friends, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Louisiana (Mr. TAUZIN), who are my dear friends and my hunting buddies, they have done a great job of putting this bill together and bringing in an awful lot of folks in support of this bill. I think the bill is a good bill and I think, with some addressing of concerns, we are going to make it a better bill.

As they know, my amendment does not gut the bill. My amendment simply ensures that we are consistent with our budget resolution. This amendment makes sure that the integrity of the budget process is protected, because the ink is not even dry on the budget resolution and already we are trying to unravel some of the key commitments and assumptions that are laid out in the budget resolution.

It is not like we are not going to be able to fund the provisions of this bill if my amendment is adopted, because all we are saying is that the appropriators will have to deal with the funding

in this bill because there is no provision for it in the budget. It would go through the normal appropriation process.

In our budget that we did adopt, over the next 5 years, we have approximately $1 billion in Function 300, which is the resources provision, that is available for funding programs that are included within CARA.

Then starting in the year 2006, the bill moves forward just as laid out in the base text today; and that will, thus, give us time to make plans for the spending of this money.

Now, I appreciate the fact that my friend the gentleman from Alaska (Chairman YOUNG) took the off-budget language out of the bill in his managers amendment. Now, that somewhat helped improve the situation, but it did not resolve the budget issue. Because when we take it off budget, then that means that it is subject to the budget law, which means that we are subject to pay-go rules, we are subject to sequestration rules, and that we have got to have either offsets or we are going to run into those sequestration rules.

Now, as I have said, the bill addresses that problem by simply shifting the year in which the mandatory spending begins from fiscal year 2002 to year 2006. After that, then we can fit it within the budget resolution, hopefully. At least we will be able to plan for that.

If my colleagues are conservation minded and want to support the bill without gutting it, this is a good amendment. If they are a fiscal conservative and care about maintaining the integrity of the budget process, this is a good amendment.

I urge the adoption of the amendment.

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER) for the purpose of controlling the time.

The CHAIRMAN pro tempore. Without objection, each of the gentlemen will control 5 minutes.

There was no objection.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, CARA is financed from the receipts of the Outer Continental Shelf oil and gas production. It is not coming out of general revenues. Since the inception of that OSC program, Congress always intended that a portion of these receipts would be reinvested in conservation purposes through programs like the Land and Water Conservation Fund.

Now, I do not know if my colleagues are aware of it, but there are nearly $13 billion now in the Land and Water Conservation Fund and over $2 billion in the Historic Preservation Fund in unappropriated balances that already have been authorized by Congress.

Congress has fully intended to do this. We just have not been doing it. And the source of the funding has always been intended for this purpose. It has just never been spent. Well, not all of that after all.

We are talking about a total program that costs about 2 cents out of every $100 of the Federal budget. And Congress has been, in fact, spending a good portion of it in. In fiscal year 2001, for example, there is a $1.4 billion request in the administration's budget. That is half of this program right there.

In other words, we are talking about one penny out of every $100 of Federal spending, a minimal effect on the budget, but a maximum effect on the purposes of this act if this amendment is adopted.

Now, the gentleman from Louisiana (Mr. JOHN) and I come from a State that is losing 25 square miles a year. That is 125 square miles in the next 5 years that we are going to have to endure that is in our district gone every year while we wait for somebody to recognize that the OSC obligation is real and ought to be funded and ought to be provided for.

Now, in the next 5 years, interior States are going to receive the 50 percent allocation from interior production on lands located in their States. I do not see them suspending that because of the Budget Act. I do not see them telling us do not make those mandatory spending allocations to interior States, States that have been collecting billions and billions of dollars for Federal Reserve production on Federal land in interior States.

But they would tell the coastal States they have to wait another 5 years before they get any help, they have got to wait another 5 years before the lands located right adjacent to their State that produce all this revenue for the Federal Treasury, not in general funds but in OCS funds, are not used for the purpose Congress said they intended them to be used when the program was started.

No, this amendment is just basically unfair. It says, let us not fund this extra penny out of the $100 that we spend on the Federal accounts to do what Congress said we ought to do a long time ago and to begin remedying the wrong on these coastal States that have endured and sacrificed in order to produce those billions and billions, $127 billion, to their budget efforts.

This amendment ought to be defeated.

The CHAIRMAN pro tempore. Without objection, the gentleman from New Mexico (Mr. UDALL) will control the time allocated to the gentleman from California (Mr. GEORGE MILLER).

There was no objection.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is a pretty incredible story here tonight. I think of how the Congress has acted in the best interest of the American people. I want to congratulate the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, on how they pulled together what were two very different, divergent bills. It took the leadership of both of these gentlemen, working long and hard over 30 hours with Members and testing I think all of our patience. These were very tough-minded sessions, no doubt. We listened to each other, and I think we really acted in the best interests of the American people.

But what this amendment does here this evening is delay funding until fiscal year 2009. And so, what we are talking about, as the gentleman from Louisiana (Mr. TAUZIN) has said, is $13 billion, $13 billion that was spent from the fund and other places and who knows where. But this one amendment would make us wait once again.

The programs that need to be funded now are important programs. They are programs that need adequate funding in this fiscal year. Park plans, farmland, open space are under tremendous development pressure now. Coastlines and marine resources are highly stressed now. Wildlife need habitat now. Inner city kids need recreation areas now.

□ 2245

Why would we want to wait until the 109th Congress to fund these programs?

I think it is about time that we move on with the legacy that Teddy Roosevelt talked about when he talked about conservation and when he set such a great example. He said at the time, and I quote, of all of the great questions which can come before this Nation short of the actual preservation of its existence in a great war, there is none which compares in importance with the central task of leaving this land even a better land for our descendants than it is for us. That is what I think those of us that are supporting CARA are trying to do under the leadership of the gentleman from Alaska and the gentleman from California. This amendment would gut that effort, it would delay the funding, it would set us back in terms of urgent needs.

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

Mr. CHAMBLISS. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I flatly disagree with those who say we do not need substantially more land acquisition. We are going to have 35 million more people knocking on the doors of national parks in 10 years and we need to buy a lot more land in order to preserve it for posterity. But I also support this amendment.

I am uncomfortable being here. I do not like to oppose my friends, and I do not like to be standing in the way of this legislation. But I think there are some substantial problems with it. The Federal Government has the responsibility to take care of our national

parks and our national forests and our national wildlife refuges in dealing with national environmental priorities. This bill takes almost $3 billion of national resources and locks them into a handful of projects, many of them focused on dealing with State parks, State forests and State priorities.

Every year for the next 15 years that money is steered to acquisition of land, to specific wildlife programs, to coastal environmental projects. Those programs are good, and I strongly support them, but they are not the only priorities we have as a Nation and they are not even the only priorities we have on the environmental front. They are important to me, but they are not any more important than is education or health care or some others.

I do not understand why we are taking Federal money and using it to fund State priorities when many of our States have been running budget surpluses. I did not come here to be my governor's tax collector. I came here to deal with responsibilities that could not be dealt with at any other level of government. I simply do not believe in insulating even my favorite programs from congressional oversight for 5 years. I believe in a much larger land acquisition program. But I do not put land acquisition ahead of other priorities like education and health care.

I want to make it very clear, I will work to the fullest extent of my ability to make land acquisition a much higher priority of this Congress. But I will not support the idea of making it an exclusive priority. That is not fair to other environmental problems, it is not fair to our other national obligations. We sit here and see, for instance, that half of our national wildlife refuges have no staff. I do not think that we should make it more difficult to correct that problem by something we do tonight on this bill.

I congratulate the gentleman for his amendment. I think it is a responsible middle ground. I intend to support it when we vote on it tomorrow.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. I also rise as an appropriator. I hate to dispute my own chairman on this and my ranking member, but I think we forget where this money comes from. It also comes from sale of public resources. The oil and the mineral rights under the land owned by the public is sold and the revenues therefrom have been promised to the people of the United States for the history of this legislation. Only we in Congress have never fulfilled that promise. We have collected the money, we have promised it would be spent for these purposes and we have withheld it to use for other things. The same kind of argument we hear with the Social Security and other things.

Now, this is not the only program where we have devised a formula to give moneys to States and local governments. We also do that with community development block grants. That is Federal money. We give it out there without a lot of strings attached. Look at what we do in transportation. The national Federal sales tax on gas sales at the pump, we collect that money, and we block-grant it back to States and cities and counties.

It seems to me, if we adopt this legislation, what we are denying is a promise made to the people of the United States that the funds that we collected would be used for preservation of farmlands, would be used for improvement of camping facilities, would be used to help inner cities buy parks, would be used for habitat protection, would be used to enhance that growing America that is demanding recreational resources. This amendment continues to deny the promise made. That promise is that these moneys would be returned to the people in a way that they could enjoy the natural resources. It is a bad amendment. As an appropriator, I would argue against it.

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume.

What my friend apparently does not understand about this amendment is that we are not saying we do not carry out every single provision in this bill, all we are saying is that we need to be consistent with the budget resolution and be fiscally responsible and take the time to allow the administration and Congress to work on a plan to find the funding for it.

Now, this funding, the source of this funding that was intended in 1953 when these revenues were first found and generated were to go into the general treasury. They have been in the general treasury from 1953 into the 1970s, I think is when they were taken out and dedicated for other purposes. But in any event, it gets back to the point of we have got $3 billion in mandatory spending.

I spoke in favor of the bill earlier today, because I think the bill is a good bill. But the funding aspect of it needs to be better planned for than what we have done within the framework that we are operating under tonight. All I am saying is that we need to take the time and be judicious and find the $3 billion to fund it rather than being inconsistent with the balanced budget resolution that we passed 4 weeks ago.

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

The CHAIRMAN pro tempore (Mr. PEASE). Without objection, the gentleman from Alaska (Mr. YOUNG) will control the time remaining of the gentleman from Louisiana (Mr. TAUZIN).

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

In respect to my good friend, the gentleman from Georgia (Mr. Chambliss), I have to keep reminding everybody that this is on-budget. We did do that. This is money that we have collected for this program that has not been spent. I frankly, as one of my biggest loves, is for fish and wildlife do not want to have them wait for 6 years. I think that is a terrible, terrible blow to this bill.

If you believe in conservation, if you believe in the establishment and protecting endangered species that are endangered or will be endangered if we do not act these next 6 years, there will be a lot of areas shut down. I honestly will tell you, I think this 6 years would be a terrible detriment. I did request from the leadership prior to this bill before the budget was acted on to have this included. That was denied. They said, ''Don't worry about it. We'll make sure if the bill passes that the money will be there some way.''

If we pass this bill, which I hope we will, we will find that money. This bill will go to the Senate. The President has a plan of his own. We have a plan of ours. Eventually we will reach a solution. But to have us wait 6 years, in fact, will defeat the purpose of the whole bill. Animals will not be around. The parks that these kids need will not be there. The crime rate will rise. Lands that were destroyed by the government on Indian reservations will not be reclaimed. Farmers that want to remain farming will not be able to farm because they will not have the easement provisions. Coastal States that are losing acres of land every minute will not have any recourse. Six years from now, probably most of us will not be here, in all due respect. I will be because I am going to be chairman of another committee. But I am just suggesting that to wait 6 years is a bad precedent to be set. I urge the gentleman to consider that. Keep in mind this process is begun. Let us finish it.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of this amendment. The base text of this legislation would create new mandatory spending for: impact assistance to coastal states; Conservation and Reinvestment Fund activities; wildlife conservation and restoration activities; Urban Park and Recreation Recovery Program activities; Historic Preservation Fund activities, Federal and Indian lands restoration activities, Farmland Protection Program activities; and endangered and threatened species recovery activities. The currently authorized version of these programs are funded through annual discretionary appropriations.

Without getting into the merits of the authorizations, the funding mechanisms included in this proposed legislation would represent a huge increase in backdoor spending if it were adopted by this House. The amendment before us would return the funding for these authorizations to discretionary appropriations for fiscal years 2002 through 2005. This is the right way to approach funding these activities, and this amendment should be adopted.

Establishing mandatory spending for these activities is exactly contrary to what this House has been attempting to do in getting control of the runaway spending of the past and establishing controls and priority setting mechanisms for all spending. Mandatory spending

should only be used for programs whose needs are paramount and nearly absolute. Even though many activities are funded by trust funds or other direct revenue sources, this is not justification to pass through these funds to program beneficiaries year after year without annual review.

For those of you that think that the programs in this proposed legislation deserve funding compared to other discretionary programs, there is a way to make that happen. It's called the appropriations process. It's the best priority setting mechanism in the government. It reflects better than anything else the annual spending priorities of Congress. For those of you that say the overall discretionary levels are too low to accommodate funding these programs, there is a way to address that. It is called the congressional budget resolution. If you think the overall level discretionary level is too low, you can make your feelings known in the budget resolution process.

For those of you that think the discretionary levels are about right but you want these activities funded anyway, you can put pressure on the appropriations process to do so. But, it would be extremely inconsistent with the established budget process to create this type of new mandatory spending while supporting tight discretionary spending.

This mantra of ''unlock the trust funds'' has got to be recognized for the bad budget process that it is creating. One of the reasons that we have trust funds is so that we can review the spending needs placed on them, not so that there is just an automatic pass through mechanism. They are trust funds, not revolving funds. The people that pay the money into them need to be reassured that the Congress is continuously reviewing spending priorities. It is the rightful purview of Congress to decide to reduce or increase trust fund spending as it sees fit based on priorities, not based on the fact that the revenue source is a trust fund.

Without the fixes proposed by this amendment, this is bad legislation. Members shouldn't think that this is a free vote to support your particular program interest and ignore the financing mechanism. Don't think that the budget problems will get sorted out later. There is a very bad track record being developed in that regard. Don't think that the Senate or the President will do the right thing later even though we won't now.

Mr. Chairman, the fiscal year 2001 appropriations process is getting into full swing. We have a lean overall allocation. We will be bringing lean bills to the floor. We will have high priority needs that those bills won't be able to fund. It just seems to me that if we defeat this amendment and allow new mandatory spending at the same time we are trying to establish priorities on a discretionary allocation, things are out of whack. That would be an insult to the process. We need to adopt this amendment and get back to a rational priority setting system.

Vote ''yes.''

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Georgia (Mr. CHAMBLISS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CHAMBLISS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Georgia (Mr. CHAMBLISS) will be postponed.

It is now in order to consider amendment No. 11 printed in House Report 106–612.

AMENDMENT NO. 11 OFFERED BY MRS. CHENOWETH-HAGE

Mrs. CHENOWETH-HAGE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. CHENOWETH-HAGE:

Page 23, in line 18, strike ''except that a coastal political'' and all that follows down through line 3 on page 24.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I yield myself such time as I may consume.

This amendment strikes a provision in title I of the bill which treats one county in California not eligible to receive impact assistance as if it were eligible to receive funds. The actual effect of this amendment is somewhat complex and obscure, but its premise is basic. No county or other governmental entity should receive a special carved-out privilege when it is not eligible to receive funds in the first place. So to do so would establish an unprecedented mandatory line item for one county in one Congressman's district and quite frankly, this is irresponsible legislating.

Mr. Chairman, the county in question is Contra Costa, California, and is more than 200 miles from a leased tract for oil drilling, making it ineligible otherwise for funds under title I. However, H.R. 701, as strange as it is, provides a special exemption to one California political subdivision which has one or more oil refineries, treating it as if it were only 50 miles from a leased tract. The provision violates the very intent of title I which is to provide impact assistance for mitigation of offshore oil drilling. In short, there is no real reason for this provision other than to establish a very special porky cash flow specifically for one county in California.

But, Mr. Chairman, this provision also exemplifies the underlying problem with this bill. It establishes a massive fund, taking from revenue which would normally be allocated by Congress and specially designates money to a select few while at the same time empowering government to impose its agenda on others. This is not how we should legislate in this body. This is not how our Founding Fathers intended for us to handle the power the people have given us, the power of the pursestring. I urge the House to adopt this amendment which restores some fiscal sanity to this legislation.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me state that Contra Costa County, which I represent is, in fact, qualified as a coastal county. The issue was whether or not they got that portion of funding under the legislation that dealt with the burdens, and the question there was the proximity. As the gentlewoman points out, this is not proximate to the production of the oil, but the fact of the matter is it is the home to six oil refineries which produce all of the various products from offshore oil that is drilled in California, Alaska and elsewhere. This is an area of the country that has been impacted by explosions, by leaks, by toxic leaks, by toxic pollution and so it is a part of the cycle, if you will, of developing energy in this country that goes from exploration to refining to marketing.

□ 2300

Because it happens to be located in one central area that is not on the coast, and the reason it is not on the coast is because it is on the bay in the deep water harbor. Otherwise it would be on the coast like in Los Angeles, Long Beach or elsewhere. It ought to be treated the same, because the citizens are there, and this is what the offshore oil revenues were about, was to deal with mitigation of burdens that communities suffer as a result of that kind of activity. Here are all of the press clippings of all of the explosions, all of the toxics spills, all of the spills in the bay, the ships that have run aground, the barges that are broken open, the pipelines that have broken open, and this is just simply to provide the same kind of resources that a county would get if we had production and it was that proximate.

Mr. Chairman, that is the purpose of it. I think it is clearly justified because so much of the West Coast and the Alaskan oil is, in fact, refined in this one county of California. So I would urge a defeat of the amendment.

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

Mrs. CHENOWETH-HAGE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, now we peek behind the curtains of the back room of the great CARA brain trust and we find, behind the platitudes of all of this fairness and this need for consistency which seems to be driving CARA, we find a special interest exemption for one particular county in California. How curious. How curious that we keep hearing the need for CARA is for consistency, to get away from politics, and yet we find one county outside the 200-mile limitation, cut

out a special little special interest, a cherry stem. Let us bring it in.

Well, this is one of the problems with CARA. It is a bill, and it is probably full of other sweetheart deals for counties. Yet, under their own CARA rules, if CARA was such a big deal, such a great bill, such a consistent bill, such a fair bill, why would we need to have a special little cherry stem for a county. It does not make sense. If this county deserves special emergency or Federal funds or assistance, then let it come out in the daylight, not in some little amendment. Let them go through the appropriations process, the authorization process.

Mr. Chairman, I think that that is just typical of what the whole bill is full of, particular little special interest things. We have had the opportunity to peer behind the curtain and see what is really going on.

We keep hearing this bill is so good for the States. Well, California is one of those States with a $3 billion surplus. Yet, under CARA, we are going to send them Federal tax money, and as the gentleman from Wisconsin (Mr. OBEY) says, we are the national Congress, we are not the State of California Congress. It is our job to look after the national picture, not special interest in California. Let the California legislature, with its $3 billion surplus, spend money on the needs of this county.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding.

I want to suggest two things. One is, I know this county; I was raised just about 75 miles above it. It was one of the larger refinery areas that refined oil. They have lost a lot of those refineries. They have 2 major refineries left, and I will be right up front with everybody, they happen to refine Alaskan oil. That gasoline that is produced is really burned in the State of the gentlewoman that is offering this amendment. If we think gas prices are high now, we should just try driving those refineries out of that area.

It does not increase the amount of money for California. It does allow monies for this area; it is heavily impacted. Like the gentleman mentioned, now that California has different areas along the coast, some of the refineries are right on the coast, this happens to be about 75 miles inland or a little further.

So I want to suggest that the amendment is aimed towards the gentleman from California (Mr. GEORGE MILLER), there is no doubt about that, but the justification I do not think merits the offering of the amendment.

I believe that the area which is identified in this amendment is an area that is highly intensified by refineries and should get some of this impact money.

Now, as far as California having a surplus of $3 billion, I have heard this over and over and over again, States having surpluses. Are we going to condemn the States that have surpluses because they have managed their money well? The money that comes from this bill comes from the Gulf States or for specific reasons that should be spent. I believe, very frankly, we ought to commend the States that have the surplus. I thought this was a Republican policy, to make sure those that reward themselves and work well should be rewarded, not those that do not. So I am a little bit confused by the offering of this amendment, when it would not, in fact, address the issue of an impacted area.

The CHAIRMAN pro tempore (Mr. PEASE). The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has 30 seconds remaining, and the gentleman from California (Mr. GEORGE MILLER) has the right to close.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I yield myself the remaining time.

I did not mention that this bill had to do with a county in the gentleman from California's district, but the fact is that there are many counties throughout this Nation that are on their knees for one reason or another, but they do not ask for, nor do they receive special treatment, special pork treatment like this county is receiving. It is pure pork, it is the kind of legislating that Americans dislike, and it leaves a great distaste in the hearts and minds of the American people to see this kind of special interest legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

I would say this is not about pure pork, this is not to be hidden. The gentlewoman should have stood up when she opened her remarks and said that it was aimed at me and then everything would have been on the table, but we have discussed that.

Many people in this county would be happy to be rid of these refineries. We have had hundreds and hundreds and hundreds of people go to hospitals; we have had millions and millions of dollars in lawsuits. But the fact of the matter is, that is where the refineries are. We could never locate them in any other part of the United States and that is why they are treated as an impacted area. If they were on the coast, they would be treated as an impacted area. They are 30 miles from the coast on San Francisco Bay, so they are not treated as an impacted area, and this is to treat them the same as we would treat refineries in Long Beach or southern California or Louisiana or Alabama or wherever. If my colleagues do not think this is a coastal area, this is where the Naval base is. This is a coastal operation.

If my colleagues want to take a potshot at me, they can take their potshot. But the fact of the matter is this is about an impacted area from offshore drilling; this is about an impacted area where many, many, many accidents have taken place. That is part of the price we pay for energy development in this country, and I ask for a no vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) will be postponed.

It is now in order to consider Amendment No. 12 printed in House report 106–612.

AMENDMENT NO. 12 OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HASTINGS of Washington:

Page 31, after line 24, insert:

''(3) APPORTIONMENT FOR MAINTENANCE.—Not less than 50 percent of the Federal portion shall be used by the Secretary of the Interior and the Secretary of Agriculture only for purposes of carrying out maintenance operations on Federal lands managed by such Secretaries.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio (Mr. REGULA) control half of my time.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment that is offered jointly by the gentleman from Ohio (Mr. REGULA) and myself.

As the last several hours in this debate have made clear, fewer issues inspire a more contentious debate in this Chamber than Federal lands policy. There is, however, one aspect of the Federal lands policy on which I believe every Member of this House can agree. We simply must do a better job of maintaining our national parks, our wildlife refugees, recreation areas, and our national forests.

Our constituents know, and so do we. Every one of us have heard about families from our district that have visited these natural resources and found

shabby facilities and deteriorating conditions when they arrive at these places that are, in many cases, the crown jewels of our park and recreation system, this legacy that was entrusted to us by past generations.

Yet, tragically, Mr. Chairman, the unfunded backlog of deferred maintenance work in this country at these facilities has reached the tens of billions of dollars.

□ 2310

As a matter of fact, it is growing every year. Just 2 months ago, on March 21, this House voted 392 to 2 to underscore our concern about this backlog. Unfortunately, that vote was largely symbolic because it was a House Resolution and it committed no actual funds to address this problem.

Tonight by voting for the Hastings-Regula amendment we can back up our rhetoric with real resources. Our amendment would provide a dedicated funding stream to meet the maintenance needs that have been deferred for too long, and it would do so without adding one penny to the bottom line on this bill.

Simply stated, our amendment requires that for every dollar spent from the Federal share of the Land and Water Conservation Fund to purchase land, $1 must also be spent to maintain the lands that we already own. After all, to me it is just common sense to stop buying more of something unless one is ready to maintain what they already have. The Hastings-Regula amendment makes it possible to do both.

Our dollar-for-dollar approach is a simple, straightforward, and balanced approach to at least one problem that the American people really do think that the Federal government should address. Whether one is from the East, West, rural, or urban areas, the public has consistently ranked maintaining parks and recreation facilities among the top priorities for public funding.

Tonight let us show our constituents that their priorities are our priorities. Mr. Chairman, no Member of Congress has worked harder on this than the gentleman from Ohio (Mr. REGULA). I am honored that he joins me in this endeavor. I am sure his remarks will explain much better than I can the need for this.

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

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Alaska (Mr. YOUNG) is recognized for 10 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as much as I respect my good friend, the gentleman from Washington (Mr. HASTINGS), this bill does what he asks to do.

Last year, the ratio was 3 to 1, $3 for every $1, $3 for every $1 spent for purchase. If we are not doing this job as we should be, it is the appropriators' fault. If they appropriated the money as they should have from the monies that were derived from offshore, we would not have this problem. But it has not been done. It has not been done.

Under this bill, we put $200 million additional maintenance into the program for the maintenance. So really, this amendment is not necessary. It is really not necessary, unless one wants the appropriators to do all of the work. If they want the appropriators to make the decision, then support the amendment. If one wants appropriators writing legislation, then support the amendment. If we want the appropriators running this House, then support the amendment.

The appropriators have been making legislative action every end of the session without any through-put through this Congress, without anybody having anything to say about it, without going to the authorizing committee. Those who voted for last year's final bill voted for $600 million, and the year before that, $420 million, and the year before that, without any through-put from the authorizing committees.

In this bill, though, we say okay, if they want maintenance, we will give them an additional $200 million for maintenance. That is not appropriated. It should have been appropriated, but it was not appropriated. Three to one, though, for maintenance. If we have a backlog, it is because the appropriators did not use the money for the maintenance part.

I am going to suggest that although the amendment sounds good, we recognize the maintenance problem in this bill. We recognize the need to take care of our parks and refuges. We added $200 million. If Members adopt this amendment, they are back where they started from, $450 million, just about where we were last year. We are letting the appropriators run the program. I do not think that is what this Congress wants.

I do not have any particular fight with the appropriators, other than the fact that they missed the idea that the authorizers also have a role in this body. Does anybody know what the money was spent on last year? No. Did they come to us and ask us? No. It was given to the President.

I say, maintain them, yes. We are going to do that. But let us use this bill, with the additional $200 million. If we do not defeat this amendment, we are going to end up right back where we were last year with no maintenance, other than about $450 million. If that is what Members want, then fine. If they want their parks to fall apart, fine, or refuges not to be maintained, fine. I do not think Members want that.

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

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

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I regret that I do not have a copy of the letter that I received from the chairman of the authorizing committee last year requesting me to put in a number of authorizing provisions in our bill, since he seems to feel that we abused that privilege. But I am pleased that he feels we should address the backlogged maintenance. It seems to me if the gentleman is saying he wants three to one, he certainly should be supporting this amendment, which is only one for one.

All we are saying in this amendment is that as we buy land, for each dollar we spend on land, we should spend $1 on maintenance. Certainly that makes a lot of sense.

Here is the list: The National Park Service, $3 billion: toilets that do not work, roads that are not safe, bridges that are not safe, campgrounds that are not safe; Bureau of Land Management, $100 million; Fish and Wildlife, $790 million; the Forest Service, $8.9 billion.

Yet, all of these agencies, and particularly the Forest Service, they have tripled the visitor days of the Park Service, and look how this maintenance has been neglected. We have been working at it, but if we take the money away from the Committee on Appropriations, they are not going to be able to address this. The amount the gentleman provides does not help to solve the problem, because we will have many other demands that will be made on the money available to us.

What I want to read is a poll that was done by Vox Populi Communications. They did a poll on CARA. I want to read just one paragraph: ''Even more adamant,'' and this is speaking of the people who responded, ''Even more adamant was the opposition to new land acquisition and park creation in the face of a massive maintenance backlog. Simply put, by more than six to one, voters want the maintenance backlog addressed before more money is spent on acquiring additional lands or creating new parks. This desire to address present needs was consistent across gender and party lines, and even Gore supporters saying that we needed to work on current problems before buying more land.''

Yet, this bill would propose us to buy more land. It proposes to give the States money, free money, that they can spend as they choose. We keep hearing a lot about how this will enhance the resources. Maybe it will, maybe it will not. We do not know what the States will do with it once they get it. They are not that restricted under the terms of this bill.

As the gentleman from Wisconsin pointed out so very eloquently, our responsibility is to take care of the 379 parks, the 200 million acres under the Bureau of Land Management, the probably almost 150 million acres in the Forest Service, and all the refuges. We created something like five last year, 30 in the past several years.

We have an enormous backlog of maintenance, but we cannot do it without having money available. The bottom line of this bill is that it is going to take that money away, it is going to send it out to the States, and leave us with the lack of ability to meet these very significant needs.

It seems to me as responsible government at the very minimum, if we are going to buy more land, as the amendment proposed by the gentleman from Washington (Mr. HASTINGS) would provide, for every $1 we spend on land, let us spend $1 on maintenance. It makes a lot of sense in view of this $13 billion deficit. Those are safety issues. Those are the enjoyment.

Go to a park, and as it was in Yellowstone, one of the campgrounds is closed because of lack of maintenance of the sewer system.

□ 2320

That could be repeated many times over. So at least with this amendment, we get a beginning and we make sure that we are balancing off land acquisition with maintenance.

I urge support for this amendment. And in view of the gentleman from Alaska (Mr. YOUNG) endorsing the idea of maintenance so emphatically, I would hope that he would be very supportive of this amendment because he believes in maintenance.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, my understanding is that in the last 5 years, while the gentleman from Ohio (Mr. REGULA) has chaired the subcommittee, that the appropriations for maintenance have been $54 million below the President's request; is that correct?

Mr. REGULA. Mr. Chairman, reclaiming my time, we have been below the President's request for, overall, a billion dollars because he requested but did not provide any money. But I would also point out that if the gentleman will look at the last time the minority party was in control, we have increased maintenance very greatly.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, I must rise in vigorous opposition to the attempt of the gentleman from Washington (Mr. HASTINGS) to cut one leg off a two-legged bill, because a 50 percent reduction in this acquisition, I think, cuts against three very important principles.

One, I would allude to some basic American values that are inscribed in the bar of the House. And if my colleagues have never come down to take a look at them, they ought to sometime. Starting on the left, those basic American values are peace, liberty, tolerance, and justice. And the one we are talking about tonight is union. Because in a very rare display of bipartisanship, we have crafted a union of people across party lines and ideological lines that is embodied in this bill.

Mr. Chairman, this amendment will dismember that union that has been so carefully built and vigorously built under the leadership of the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking minority member. We ought to stay with this bill as it is. It is a union and it ought to pass.

The second rule that is being violated by this amendment is one of physics, the rule pavement does not wait. Concrete does not wait. It does not wait for Congress. It will not wait if we cut 50 percent out of the acquisition funds of this land. That land will be gone. Ask what would have happened in the days when Yellowstone was considered by this Chamber if this Chamber missed the opportunity to save Yellowstone National Park from the Coney Islands that would have been built up along the geysers if we decided not to make that acquisition because, in some way, the Committee on Appropriations had not previously appropriated enough for maintenance somewhere. Imagine if we missed that opportunity. Pavement and concrete do not wait.

Third, I just want to say that we talk a lot about the Grand Canyon and Yellowstone Park, but I want to suggest those are the grand jewels of this country. But there are little jewels in every district in this country that need acquisition today. I went to the Grand Canyon last week. I took Friday off. Do not tell anybody. I went down to the Grand Canyon. The first time I have been there.

Mr. Chairman, Teddy Roosevelt was right. He said every American should go to the Grand Canyon before they die. But there is a little place in my district on Bear Creek where the water pools underneath the cedar trees and the salmon used to spawn that if this amendment passes, the salmon will never spawn again because we will not preserve that little tiny piece of the Creator's handiwork, and that little jewel of this country, which will never be a Grand Canyon and may be known only to my neighbors will be gone.

Let us act tonight for union, let us beat the pavement and let us protect all the little jewels that deserve protection in this country.

Mr. HASTINGS of Washington. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Washington (Mr. HASTINGS) has 2 minutes remaining. The time of the gentleman from Ohio (Mr. REGULA) has expired. The gentleman from Alaska (Mr. YOUNG) has 1½ minutes remaining, and the gentleman from New Mexico (Mr. UDALL) has 2 minutes remaining.

Mr. HASTINGS of Washington. The gentleman from Alaska has the right to close?

The CHAIRMAN pro tempore. Yes.

Mr. HASTINGS of Washington. Mr. Chairman, I reserve the balance of my time.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Chairman, on March 8, 1964 The New York Times ran the following editorial:

> Behind the effort to enact the Wilderness bill and the Land and Water Conservation Fund bill—the two most vital pieces of conservation and recreation legislation before Congress this year—is recognition of a dread alternative: once the primeval lands fall under the bulldozer's blade, they are forever lost. . . . Secretary of the Interior Udall has rightly called these bills ''pieces of landmark legislation which will be remembered for years to come.''

My father is still right. The Land and Water Conservation Fund Act as well as the Wilderness Act is still remembered. And, I believe it is as important today as it was when he was Secretary of the Interior.

I will let you in on what I think the secret is to the continuing importance of the Land and Water Conservation Fund. My father and others working on this bill were successful because these initiatives were the result of bipartisan input that looked ahead to the generations yet to come. Even the idea for creating a Land and Water Conservation Fund came from a bi-partisan commission. On Lawrence Rockefeller's Outdoor Recreation Resources Review Commission were: four Senators, 2 Democrats and 2 Republicans, four Representatives also split 2 and 2, and 7 presidential appointees including groups as diverse as the Wilderness Society and the American Cattlemen's Association.

This bi-partisan foundation translated its work into sound proposals and Congress then passed the Land and Water Conservation Fund Act with virtually unanimous support.

In the year 2000 we need to pass that secret along. As you well know, H.R. 701 is sponsored by both Chairman YOUNG and Ranking Member MILLER and has broad bipartisan support in the House. This gives us the opportunity to take the secret of the 88th Congress' success and demonstrate that the 106th Congress can also work together to pass landmark legislation.

Because they had joined with each other in a meaningful, bi-partisan dialogue, individuals like my father and his colleagues were able to leave all of us the invaluable gift of protected wildlands and wildlife. It's now our turn as the heirs of their generation to do the same thing for our children.

The Land and Water Conservation Fund has helped all of us in our respective states by protecting invaluable lands and resources. For example, in my district in New Mexico over $25 million in federal and $10 million in state funds have been awarded for some of the following projects:

FEDERAL FUNDING

Chaco Culture National Historic Park.
Bandelier National Monument.

STATE/LOCAL FUNDING

Chama—Chama Playground.
Las Vegas—Rodriguez Baseball Park.
Raton—High School Recreation Park.
Zuni—Recreation Park Development.
Gallup—Red Rock Campground.

As you can see from these examples, not only are the provisions of the Land and Water Conservation Fund aimed at helping support federal projects, they also help much needed state and local programs.

That is why I support CARA and invite all of my colleagues—regardless of which side of the aisle they sit—to participate in this legislative effort.

As I conclude, I'm reminded of John Chafee who loved to quote Teddy Roosevelt's observation that "of all the great questions which can come before this nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the central task of leaving this land even a better land for our descendants than it is for us."

Thank you for supporting this bill.

Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we just heard some eloquent remarks about small little jewels being preserved and not being able to wait a few more years for lack of funding because of the advancing concrete. If we could picture in our mind the East Coast of the United States and then picture from Boston to Richmond. It is almost a constant corridor of buildings and highways, a megalopolis. And in the midst of that constant corridor is a tiny little space viewed from space that is still dark.

It is called the Delmarva Peninsula, made up of Maryland, Delaware and Virginia. What we have done is worked with the three States on that tiny little peninsula to retain its rural character by creating a Habitat Conservation Corridor for those three States on the peninsula for wildlife. We are working to produce and preserve and make profitable agriculture. And we are going to restore 10 percent of the original historic number of oysters in the Chesapeake Bay, which will do tremendous things for water quality.

Mr. Chairman, I urge a ''no'' vote on this amendment for those jewels in this country that still can be preserved.

Mr. UDALL of New Mexico. Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to reiterate what I am talking about with this amendment is for maintenance. It is not for acquisition at all. It is for maintenance. We already have the Grand Canyon. We already have Yosemite. We already have Rainier National Park. They are already in place. We are talking about maintaining these facilities.

Now, I commend the gentleman from Alaska for at least putting some maintenance dollars in this bill. But here is the problem. We know we have about $18 billion of a backlog. We have about $180 million in this bill. If we were to appropriate that all of the way through this year, it would take us 100 years just to make up the current backlog. We cannot wait that long. We propose in this CARA bill to spend another, roughly, billion dollars for acquisition. We would add to that, obviously, the maintenance needs in the future.

Mr. Chairman, we cannot wait that long. We have 100 years, for goodness sakes, just to take care of what we have. That does not make any sense at all. We have an opportunity because CARA develops a funding stream for these crown jewels that we are talking about. Some of that ought to go for maintenance. And that is all this amendment says.

Obviously, if this money is put into the process, maybe we can reduce this and then those that support buying more land would have that land in the future. But is the first principle not to maintain what we have? That is what this amendment does, is simply says let us maintain what we have. We cannot wait 100 years just to take care of the backlog that we already have right now.

I urge my colleagues to support this common sense amendment because to me, it addresses the issue that the American people understand obviously better than we do, or it would be in the bill without having to go through this amendment process.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am one who supports the maintenance. I will say this, that if the appropriators had done their job, the maintenance would have occurred and should have occurred.

I am a little bit concerned and I would like to ask those that oppose this bill, where would the maintenance money be for this program if we did not have CARA? Where would it be? It would not happen. There would be no maintenance. It would be the same minimal type maintenance that has existed the last 6 years, and before that in the other administration.

And if we go back and check the units that were created, we will find out a large percent of those units were created without authorization by this Congress, but through the appropriating committee.

□ 2330

Just check the record.

So I ask a lot of my colleagues, where would they be when they offer these amendments. If we did not have CARA, would they have any more maintenance? I say, no, they would have the same old thing. Just keep that in mind.

So I think this amendment is unnecessary. We do recognize the need in this bill. I respectfully reject the amendment. Keep this package together. Let us go forward and accomplish what we set out to do: maintain, take care of our species, take care of our urban parks, take care of our easements, take care of destroyed land, and, yes, maybe buy some land. But nowhere in this bill says there shall be land bought. Nowhere.

The CHAIRMAN pro tempore (Mr. PEASE). All time has expired.

The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Washington (Mr. HASTINGS) will be postponed.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 853, COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1999

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–613) on the resolution (H. Res. 499) providing for consideration of the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONSERVATION AND REINVESTMENT ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 497 and rule XVIII, the Chair declares the House in

the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 701.

□ 2333

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 12 printed in House Report 106–612 by the gentleman from Washington (Mr. HASTINGS) had been postponed.

It is now in order to consider amendment No. 13 printed in House Report 106–612.

AMENDMENT NO. 13 OFFERED BY MR. SWEENEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SWEENEY:

Page 36, after line 13, insert:

''(D) No State political subdivision has transmitted to the Secretary administering the acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition within 90 days after receiving notice of the proposed acquisition under subparagraph (C)(iii).

Page 41, line 8, after the period insert: ''The State shall notify each affected political subdivision of each land acquisition proposal included in the State action agenda. Such notice shall include a citation of the statutory authority for the acquisition, if such authority exists, and an explanation of why the particular interest proposed to be acquired was selected.''.

Page 42, after line 9, insert:

(c) LOCAL GOVERNMENT VETO.—Section 6(f) (16 U.S.C. 460l-8) is amended by adding the following at the end thereof:

''(9) No funds made available under this Act may be used by a State to acquire any land or interest in land if the political subdivision of the State in which the land or interest in land is located has transmitted to the State agency administering the proposed acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition within 90 days after receiving notice of the proposed acquisition under subsection (d)(2).''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from New York (Mr. SWEENEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment in partnership with the gentleman from New York (Mr. MCHUGH), my neighbor to the north, to address the concerns of local government.

The gentleman and I, Mr. Chairman, represent some of the best the Nation has to offer in terms of open space, recreational opportunities, and natural beauty in the form of the Adirondack Mountain region.

There are concepts within the underlying bill here at work that I strongly believe in and I accept and I support; namely, strongly supporting conservation programs. I understand the value of protecting open space.

However, I can only support open space initiatives that are accomplished in conjunction with meeting local concerns. I understand that the gentleman from Alaska (Mr. YOUNG), our distinguished chairman, and the gentleman from Louisiana (Mr. TAUZIN), and Members on the other side of the aisle have worked diligently to try to manage many of the complexities of this issue. I think this amendment is being offered in the hopes that we will strengthen the underlying bill.

They knew, as they constructed this bill, that local governments hold the responsibility in this country for many land use decisions and do so effectively through local zoning laws. I believe that land acquisition decisions are essentially land use decisions.

The fact is, Mr. Chairman, that once private land is purchased by the Government, it is no longer subject to local zoning laws or to local property taxes. That is why I believe our towns and counties ought to have a real say in such a decision.

It is on this basis that I offer this amendment today with the gentleman from New York (Mr. MCHUGH). Our amendment provides local governments with the opportunity to object to projects listed under both State and Federal land acquisition plans under the Land and Water Conservation Fund, LWCF.

Our amendment first adds an additional requirement for States to notify the appropriate State political subdivision of government affected by each acquisition under the State Action Plan.

I will note that, in the underlying legislation, the information to be provided by States is identical to that required of the Federal Government for its acquisitions. However, CARA does not currently require States to notify local governments as a condition of funding.

Affected local governments, under our amendment, are given 90 days to submit a resolution of disapproval to the Secretary of Interior or to the governor, depending upon whether the listing is in the Federal or State plan.

Mr. Chairman, let me note that most of the focus of tonight's debate over CARA is over direct Federal acquisitions in the West. State acquisitions are a major issue in States like New York and other places, and I believe we should be addressing both in this legislation.

I do not object to giving our local government resources for preservation projects that they develop and support. I do object to this, what is seemingly a top-down approach. Without this amendment being approved, I think that that would be a great mistake.

The CARA bill in its current form calls for public participation in the setting of land acquisition priorities. However, I feel that process needs to be strengthened. This amendment does so by ensuring that the people most affected at the local levels of government have a seat, a real seat at the table in the LWCF land acquisition decisions at both the State and Federal levels.

Mr. Chairman, I would like to note that the concept being applied in this amendment tonight is not without Federal precedent, as the affected political subdivisions in the State of New York must agree before they may be included in the Federal Forest Legacy Acquisition Program. This provision was advanced in October of 1991 in this body. I believe this language has protected private forest land in New York that otherwise would have been threatened by Federal acquisition.

Mr. Chairman, in my opinion, this amendment does not undermine the CARA bill. It simply strengthens the process for local governments to ensure that they have a seat at the table and the approval of ultimate land use decisions transferring land into public ownership.

I urge my colleagues to support the Sweeney-McHugh amendment.

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

The CHAIRMAN pro tempore. For what purpose does the gentleman from New Mexico (Mr. UDALL) seek recognition?

Mr. UDALL of New Mexico. Mr. Chairman, I wish to claim the 10 minutes in opposition, and I ask unanimous consent to yield 5 minutes to the gentleman from Alaska (Mr. YOUNG) for purpose of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will give my friends, and I do mean they are my friends, great credit for being imaginative and making it very difficult for this chairman. This amendment does have merits. But I will say that I do believe CARA provides, very frankly, the local governments the notice. I understand his concern.

The Federal Government, I think, is pretty much hamstrung on how any land will be purchased. If I am not mistaken, I think his amendment is really directed towards the purchase of land by the States.

□ 2340

I am not sure we have the authority to tell the States how to run their business and how and what lands they should buy, that is what concerns me a great deal.

And the second thing is the way I read this amendment that under this amendment, a landowner who wants to sell their land or even a conservation easement on their land to the State government or to a Federal agent is prohibited from doing so without the permission of the local government, and that is the taking; that is the taking.

I always thought that my good friends were always for the private property right owner in letting him make the decision on how he should dispose of his land if he wishes to do so. I am a little bit concerned. To me, the way that the amendment is drafted, it appears that it asks us to do two things; one is to interfere with a State. I want to believe in State's rights, and I hope everybody else does, too. I do not think we ought to be telling the state what to do and how they should or should not purchase the land and how they should be notified.

The second one is, as I mentioned, I am a little bit concerned about if I own a piece of land and someone came to me, let us say it was a nonprofit, which was brought up before, and told me that we would buy my land as an easement, and I would have to go and get the occurrence from the local government, and I thought the people opposing the bill were against the concept under my bill, that is, saying we were taking land.

Mr. Chairman, I am a little bit confused. I do say that I understand what the gentleman is trying to do, but the way that this bill is written, I think, it does raise some very serious questions.

Mr. Chairman, I reserve the balance of my time

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to my distinguished colleague, let me say two things to his explanations: The first is that we in Congress have the absolute right of responsibility to direct and restrict the spending of Federal dollars. These are Federal dollars that are going to be appropriated to States for the use in this process and, therefore, it is very well within our powers and our authorities and our responsibilities to restrict and set limits on the expenditures thereof.

This is indeed not a taking of private property, because it is my assumption that no willing seller essentially has a constitutionally insured right to have their property purchased with Federal money.

Furthermore, I think the Constitution does not require that the Federal Government spend money to acquire a land necessarily. We are affording that opportunity here.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MCHugh).

Mr. MCHUGH. Mr. Chairman, I thank the gentleman for yielding me the time and begin by thanking him for his very diligent work in this initiative, and to express my appreciation for the opportunity to have worked with him.

Mr. Chairman, in sum, this very simple amendment is intended to do what virtually everyone through the development of this bill, the authors, the sponsors, the backers have set is their intent, and that is to involve local governments, to ensure their participation.

We have even heard in the last 10 minutes here, Mr. Chairman, of the interest in the title of the bill, a bill to assist State and local governments. We heard a few moments earlier from the gentleman from Washington about the importance of union in the discussion and the development of this bill.

We cannot have a union in the United States without meaningful participation of local governments. So contrary to the concern of the gentleman from Alaska (Mr. YOUNG), our intent was not to make it difficult for the gentleman, because, indeed, his leadership and his record on these kinds of issues is clear and something to which I, and I know many others look with great admiration, but rather to facilitate him and others in reaching the goal that they have proclaimed is such an important one in this particular bill.

We have heard a great deal about how this is a western concern. And as my friend and neighbor and colleague, the gentleman from New York (Mr. SWEENEY) so correctly noted, this is an issue that permeates through many regions of the States, certainly, in the northeast as well.

The Adirondack Park, a great region, a wondrous region that the gentleman from New York (Mr. SWEENEY) and I share the honor of representing, currently has some 5.8 million acres in totality; of those 2.4 million acres within the park boundaries are held by the State government. The fact of the matter is, in eight out of the 10 counties that I represent that have a piece of that great land, we have double digit unemployment, and I think it is absolutely essential that this Federal Government ensure through specific language, not just expressed intent, but specific language that local governments whom we come to this floor everyday and pretend, and I would like to think that we will actually take the steps to, in reality, defend their rights and participation.

Let me add on to what my colleague, the gentleman from New York (Mr. SWEENEY) said contrary to the distinguished chairman's concerns, this does not require that local property owners get the permission of local governments. What it does do in those, I would argue very rare occasions, when there is a local government concern, provide the local government with the opportunity to express its opposition, otherwise, no action, no consideration is involved.

As the gentleman from New York (Mr. SWEENEY) said, there is no right, no explicit constitutional guarantee that Federal monies will be available to every property owner to have their land purchased and, indeed, in another effort to assuage the concerns of our friend, the chairman, we went to the Congressional Research Service, we went to the legislative council of the House, and queried about the possible constitutional problems, they pointed out to us what seemed at the time to be very obvious, that, indeed, time after time, this House has passed legislation after legislation that conditions the use of Federal money pursuant to some action or restriction or prohibition followed by local governments.

Mr. Chairman, I am delighted to take that burden from the shoulders of the chairman; that is, indeed, not a concern, not just our opinion, but that of the Congressional Research Service and the legislative council for the House of Representatives.

We are not precluding that the land be purchased, even if the local government denies the opportunity under the Federal acquisition monies, any State is still free to use other monies, as most do, including my State of New York, in purchasing this land.

We are simply doing what, time and time again, the sponsors, the authors, the supporters have said is their intent, the local government's will have a meaningful voice; if that is not their intent, then this amendment will give them the opportunity to step to the podium to vote no and to declare a fraud upon what most have said is a primary pillar of this bill.

Again, we are happy to be a constructive participant, and this amendment would make the bill pretty close to perfect. With that that I, again, thank my colleague from New York (Mr. SWEENEY) for his initiative.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, if I might ask a question to the gentleman from New York (Mr. SWEENEY) I do not quite understand. I am sure things are different in New York than they are in California. Generally on the Stateside of land and water conservation, communities have a project. They usually go out and they raise some local money or they raise private money or foundation, or individuals make contributions and then they try to get together and go to the State and ask whether they will use this or not, so if a park district does this or a city does this or a county, who gets the veto here? I do not understand.

If the county wants to do this within their jurisdiction, can a city in the area say, we will not sign on to this?

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

Mr. GEORGE MILLER of California. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, the answer is no. It is the same language; that is, the State political subdivision is the same definition that is defined in the underlying bill as the local political jurisdiction immediately below the level of State government, including counties, parishes and boroughs.

Mr. GEORGE MILLER of California. Mr. Chairman, it is unclear, because that is the process by which local Stateside land and water conservation has done. Local people make applications to the State and say will you help us out, a partnership to purchase this or rehab this or restore it or whatever the local project would be.

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

Mr. GEORGE MILLER of California. I yield to the gentleman from New York.

Mr. MCHUGH. Mr. Chairman, it is indeed an important point and why we work very closely with the legislative counsel to conform this to existing law and other provisions where there are, indeed, local review potential and options. The language provides for that local political jurisdiction that is immediately below the State level. It does vary from State to State. I cannot say what the local political jurisdiction is in the State of California. In most jurisdictions in the State of New York, it would be the county.

Mr. GEORGE MILLER of California. Mr. Chairman, I say to the gentleman if the local subdivision is a city, then it would be up to the city to veto this, not the county. If the local subdivision was a park system, it would be up to the park system.

Is that what the gentleman is saying?

Mr. MCHUGH. Mr. Chairman, if the gentleman will continue to yield, the park system is not a political subdivision under any law.

Mr. GEORGE MILLER of California. In California it is. We have a park system that goes across 5 or 6 counties.

Mr. MCHUGH. If the gentleman's State law provides that, then, yes, the gentleman is correct in his understanding.

□ 2350

Mr. GEORGE MILLER of California. So it would be up to the park?

Mr. MCHUGH. If that is the local political jurisdiction under the State law of the gentleman, the answer would be yes.

Mr. GEORGE MILLER of California. Mr. Chairman, and then the same would be true if somebody wanted to sell the land to the Federal Government, the locals could veto that if some landowner wanted to sell their land for whatever reason?

Mr. MCHUGH. Using funds under this particular legislation, yes. However, that would not preclude the purchase, as I hope the gentleman understands. It would just preclude the purchase with these particular funds.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, let me tell my colleagues as a State legislator and as a former county supervisor why this language is really bad language. Whether we look at it from the top down from a Federal level, this is bad precedent.

What they say with this language is, oh, local governments, if we want to build a post office in their community, we have the right to veto it, which they do not have now. We extend this thinking. Or how about if we want to build a military base or expand that. No, local governments can come in and veto it. Or how about if when we want to build a water system or a highway system or a jail system, prison system. Local governments can veto it.

These are the kind of things people do not want in their backyard. I think we find a lot of cities kind of vetoing these things. This logic of allowing local governments to veto Federal decisions is bad, bad precedent.

Let us take it from the other side. Let us be a State legislator and say we are going to expand the State park system. But now, for the first time in history, the city or county can come in and say, State parks, we veto it.

This is a whole change in structure. The gentleman from California (Mr. GEORGE MILLER) is absolutely right in asking those questions because they have no idea about how the process works.

Now, we have a way of allowing public information on all these actions, if that is what they want to get to, this sort of veto process. It is called an Environmental Impact Statement. In California it is called an Environmental Impact Report.

They cannot make any decision relating to land in California, private or public, without doing an Environmental Impact Report, which is full disclosure of what is going to be done and allowing a public process and a public comment period.

I will yield to the gentleman from New York (Mr. MCHUGH) to answer this question. I am reading the language from his legislation. It says, ''No funds made available under this act may be used by a State to acquire any land or interest in land if the political subdivision of the State in which the land or interest of the land is located has transmitted to the State agency administering the proposed acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition with 90 days.''

My colleague gives local governments the total ability to veto any acquisition by a State for a State park purpose.

The CHAIRMAN pro tempore (Mr. PEASE). The only remaining time belongs to the gentleman from Alaska (Mr. YOUNG), 2½ minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman from California (Mr. GEORGE MILLER) has raised some very interesting questions. I have been in the district of the gentleman from New York (Mr. SWEENEY) and part of the district of the gentleman from New York (Mr. MCHUGH) and it is a gorgeous area. Not nearly as gorgeous as Alaska, but it is gorgeous.

But I cannot quite yet figure out, if I am a city under the amendment of my colleague and I want to build a skating rink or a park, under the amendment, the borough could disallow that. Is that correct?

Mr. MCHUGH. Mr. Chairman, if the gentleman would yield, it is in the State of Alaska. First of all, I do not believe the funds under this could be used for construction of skating rinks, but I will defer to the gentleman.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, yes, it can. That is the urban parks recreation areas.

Mr. MCHUGH. Mr. Chairman, if the gentleman will continue to yield, we are talking about land acquisition in our amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I ask the gentleman, just land acquisition?

Mr. MCHUGH. Mr. Chairman, if the gentleman will continue to yield, I believe that is the text of the language. But it does not obviate the gentleman's point of the gentleman.

If in the State of Alaska, wherever this project is occurring, the local political subdivision most immediately under the State is other than who is trying to construct it, then the answer would be yes.

I would venture a guess, if their construct is anything like most other States, then the City of, say, Anchorage, they would be the political jurisdiction and would have the authority.

Mr. YOUNG of Alaska. Mr. Chairman, in Fairbanks we have a city and a mayor and a council, but we have the Northstar borough which the city resides in, which is part of the borough.

Mr. McHUGH. Mr. Chairman, but the political jurisdiction in terms of the State hierarchy would be the city I believe. I cannot answer the question of the gentleman.

Mr. YOUNG of Alaska. Mr. Chairman, now my staff say it would be the borough. And if the borough can stop the city, and my colleague knows how local governments are, I do not object to local government, but I do not want local governments to have the leg up on any one of them when the city has—and by the way, we want to build hockey rinks. The borough, I am not sure they would do that. But if they said, no, they are not going to build any hockey rinks.

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

Mr. YOUNG of Alaska. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, let me note that the provision in the amendment is applicable only to the land water conservation portion of this bill. Therefore, it only applies to the large land purchases that would not be applicable to those areas.

Mr. YOUNG of Alaska. Mr. Chairman, I have not read the amendment of the gentleman. I apologize.

Does it, in fact, specifically say only land acquisition?

Mr. MCHUGH. Mr. Chairman, if the gentleman will yield, it only applies to those funds under the land and water conservation portion, which I believe the bill of the gentleman only provides for land acquisition.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from New York (Mr. SWEENEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SWEENEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from New York will be postponed.

It is now in order to consider amendment No. 14 printed in House Report 106–612.

AMENDMENT NO. 14 OFFERED BY MR. SIMPSON

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SIMPSON:

Page 36, strike the close quotation marks and the second period at line 16, and after line 16 insert the following:

''(h) STATE APPROVAL OF CERTAIN LAND ACQUISITION REQUIRED.—The Federal portion may not be used by the Secretary of the Interior or the Secretary of Agriculture to acquire any interest in land located in a State in which 50 percent or more of the land in the State is owned by the Federal Government if the acquisition would result in a net increase in the total acreage in the State owned by the Federal Government, unless the acquisition is specifically approved by the law of the State.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Idaho (Mr. SIMPSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Simpson-Walden amendment to H.R. 701 is a common sense amendment that addresses one of the major concerns that the constituents in my State have, that of giving the Federal Government $450 million annually to purchase land in States such as Idaho which already have a high percentage of Federal landownership, potentially little turning Idaho into a welfare state dependent upon the Federal Government.

There are 52,960,000 acres in the State of Idaho. The Federal Government owns 34,519,000 of those acres. In other words, 65 percent of Idaho is owned and controlled by the Federal Government.

There is more Federally owned land in Idaho than in the entire land mass of the States of Connecticut, Delaware, Massachusetts, Maryland, New Jersey, Rhode Island, Vermont and New Hampshire combined.

Removing private land from local property tax roles and not fully funding the PILT payments severely impacts Idaho's counties and local governments. Moreover, when the Federal Government absorbs private land and that land ceases to be productive, local communities are severely affected by the loss of economic activity and become more, not less, dependent upon the Federal Government.

For example, when a farm or a ranch land is purchased by the Federal Government and taken out of production, those operations cease to contribute to the local economy. Hired hands go unemployed. Local stores lose businesses. Trucks and tractors remain unsold on the local dealership lots.

However, in spite of this concern, this amendment does not preclude, I repeat, does not preclude Federal land acquisition. It does not undermine CARA. It only requires that the Federal Government, when acquiring land in a State which is over 50 percent or more of the land in that State is owned by the Federal Government, to do one of two things, to either dispose of an equal amount of land or to obtain the approval of the State by State law before acquiring that land.

This amendment provides the Federal Government with the flexibility to actually bypass the State if they so choose. The Federal Government does not have to seek State approval if they do not enter into a purchase that results in a net gain in Federal landownership within that State.

My colleague the gentleman from Oregon (Mr. WALDEN) and I are not asking for much, only the ability of our States to exercise some control over future Federal Government land acquisitions.

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At present the majority of Idaho and other western States that this amendment would affect, Alaska, Oregon, Utah and Nevada, are owned and controlled by the Federal Government. In these States where the Federal Government already owns a majority of the total land, we should not fear allowing the State elected officials to participate in the decision as to how much more Federal land will be acquired by the Federal Government. It is these State officials that can best determine the impacts that these proposed Federal acquisitions will have on their local communities. If Members truly support States rights and local control as the gentleman from California (Mr. GEORGE MILLER) waxed so eloquently about earlier in the debate on the general debate on this legislation, then they will truly support this amendment.

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

Mr. YOUNG of Alaska. Mr. Chairman, I claim the 10 minutes in opposition, and I ask unanimous consent that the time be equally divided between myself and the gentleman from New Mexico (Mr. UDALL).

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Again may I congratulate those that are offering these amendments. If we did not have this fragile house of cards put together, this would be very attractive because my State is owned right now 94 percent by the Federal Government. By the way, I do not think any land is being bought by the Federal Government, although there are some that do want to sell to the Federal Government. The money is not available. They are inholdings. Of course some of the inholdings very frankly do not want to sell and I am supporting them because I do not think the government ought to purchase those lands from an unwilling seller. But I do know I have those Members within some of our parks that were created by this Congress which I opposed and refuges that want to sell, and the appropriators do not appropriate the money to purchase the lands. I do not think that is fair because those people that own those inholdings do not have an opportunity to develop the lands, and they do not have the opportunity to really sell their lands, because nobody wants to buy them. I think we ought to appropriate the money and CARA would allow that.

I am telling the gentleman that the amendment for my State might make sense. But as a whole I do not think we ought to be involved in setting up separate States that say that 50 percent, then there is no land that can be purchased under this bill because there are willing sellers within my State. I know other States that would like to at that time get rid of their land and the only money available is from the Federal Government.

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

Mr. SIMPSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

(Mr. WALDEN of Oregon asked and was given permission to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Chairman, our amendment is as simple as it is fair and logical. It simply says that if the Federal Government already owns more than one-half of our State, then before it can buy any more private land in that State, the State will

have an opportunity to simply have a say in the matter. In fact, the elected legislators and the governor will have a say as to whether or not the Federal Government will take even more land out of private property ownership and put it into Federal ownership.

Why is this important? Because as we have heard over and over tonight, many of us represent districts that have enormous amounts of lands off the tax rolls already and under Federal control. The Federal Government controls more than 55 percent of Oregon, nearly 56 percent of my district.

My district, pictured here, overlaid the East Coast to give Members a dramatic view of just how large it is, it is larger than 31 States. Larger than 31 States. And so to put that in perspective, I have created this map here. As we can see from New Jersey to Ohio it would stretch. Half of this is already under Federal control. Half of it is already under Federal control. In fact, the Federal Government controls 34 million acres in the State of Oregon. To put that in perspective, in Maryland the Federal Government controls 131,000 acres. 34 million versus 131,000. I would wager we lose more in mapping errors in Oregon than Maryland has under Federal land. Think about it. Oregon already has 113 times as much Federal land as Maryland.

I understand why people living in other States, especially those east of the Mississippi and in urban cities, favor more open spaces and additional Federal lands. I probably would if I lived there as well. But my concern comes from those of us who live in the West and about those who seek to lock up more land in the West. This legislation guarantees them a billion dollars a year for 15 years to move that marker up anytime they want to acquire more Federal lands.

And so this is a simple amendment that just says, if that is going to happen, the State legislatures in those States that are already more than 50 percent controlled by the Federal Government have an opportunity to speak on that matter.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I appreciate very much the concerns of the authors of this amendment. I come from the West. Most people do not realize how much land in California is owned by the Federal Government but it obviously is a problem for the other States that do not have the size that we have. But to put a mathematical equation on this business if you cannot increase Federal ownership, we just went through a situation in Las Vegas where they wanted a very valuable small piece of Federal land, but to swap it out and get a deal for the Federal Government, they went out and bought some lands to add to their Federal holdings which would have helped the Federal Government but was not worth very much but rounded out the holdings and the net process is you ended up with increased Federal lands but the city of Las Vegas and the county and everybody else is ecstatic about what they have got. We go through this all the time. We have people in Colorado, in the ski areas that come to us, they want to buy a couple of acres of land that may be worth millions of dollars and they know that maybe down on the stream there is an area where we could get public access, they give it to us, and it is worth a few thousand dollars. We would not mind if all this land was valuable, but a lot of it is not necessarily valuable.

So trying to put a mathematical equation, over the last few years, Federal ownership has been going down because I think one of the things the members of the minority have drilled into us on the committee is that people are concerned about the increase of this where it is not necessary, where it can be swapped out, where we can unify it, where we can rationalize the ownership and this committee has been doing that under the leadership of the chairman. But to put us in this position I think is to, if it does not average out, do we have to do it on a calendar year or a fiscal year? We do not have necessarily like assets. But we know, and we have tried to encourage the various land management agencies to be more attune to rationalizing patterns and ownerships. We went through a big swap in Utah.

I would oppose this amendment. I like the spirit of it, but I just do not think you can say mathematically that is the situation.

Mr. SIMPSON. Mr. Chairman, I yield myself such time as I may consume.

I would just like to point out that this proposal does not preclude the purchase of more Federal land. I do not deny that there are purchases out there that may be appropriate for the Federal government to acquire, for habitat and other things. I do not have a problem with that. But what I am saying is that in a State like Idaho and those States that have currently over 50 percent Federal land, and in Idaho it is 65 percent, two out of every three acres is owned and controlled by the Federal Government. That leaves little private land as a tax base to support the services in the rest of that State. But in those States, if there is an appropriate purchase of Federal land or an appropriate acquisition by the Federal Government, they have two options under which they can acquire that land. One, they can decide that there is other land that they would rather sell off so that there is a no net gain, in which they can do it without the approval of the State; otherwise they can go to their State legislature and get it approved by State law. This brings the State government into the decision-making process. I do not know why we should fear having our State legislators, those people closest to the decision-making process and how this is going to affect them, be involved in that decision-making process. I do not have a problem with that. I trust my State legislature. I come from the State legislature. They have the concerns of the State of Idaho and I am sure of the other States that they represent at heart. They will do the right thing.

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

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I think those who are following this debate may find that it is curiouser and curiouser in the sense that those who historically have stood up for the rights of citizens to make decisions about their property have now brought an amendment that strikes right at the heart of what people in Idaho and Washington or anywhere else can do with their property.

Let me give an example, and I am going to ask the gentleman from Idaho if that is correct when I am done. Mr. Jones is a rancher in the great State of Idaho. And it is a great State. I fly over it every week. It looks great from 30,000 feet. He has got 40 acres, he has not really ever ranched it, and there is really nothing too much to do with it. But it might make some good habitat for some species, some critter that might be in a difficult situation. So he goes to the Federal Government and says, Can you take this off my hands? Can you maybe give me a few dollars for it? I would like to sell it. He goes through the permutations with the Federal Government and he gets the Federal Government to offer to buy his land. He agrees. He makes a consensual decision as an American citizen to sell it to the Federal Government and the folks across the aisle tonight are telling him, You cannot do it. We realize it is your property, but we are not going to let you sell it to the Federal Government unless the State legislature has the veto power on your personal private decision what to do with your private land in a consensual arrangement with the Federal Government.

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Now, frankly, I want to ask my colleague, is that not the correct situation, and if it is, how can we do anything but accept this as a gross violation of the people's right to sell their land. I mean, what next? Let me ask one more question. What next? Will the gentleman tell us that a person cannot sell it to the church? Is the next thing we will say is we cannot sell it to a church because that is going to reduce the local tax rolls and we are going to require the State legislature to do it?

Mr. SIMPSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Idaho (Mr. SIMPSON) has 3 minutes remaining.

Mr. WALDEN of Oregon. Mr. Chairman, first of all, let me say this does not apply to Washington, so the gentleman's implication that it applies to Washington is inaccurate. It applies to 5 States: Alaska, Oregon, Idaho, Utah and Nevada.

We are not talking about something extraordinary like churches or selling to somebody. In fact, they could donate it, they could have the State of Idaho buy it, they could have a private organization buy it, they could have somebody with private property buy it and use it in that respect.

The issue here, though, is as these lands come off the tax rolls, they affect our schools, they affect our roads, they affect things going on in the community, and that ought to be recognized.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding.

I rise as a former county supervisor remembering the debates about not wanting the Federal Government to leave to close bases, not wanting the Federal Government to abandon land. As a former State legislator, I have never seen a resolution by Idaho or any other State saying we really want you to join in petitioning us to get rid of Federal land.

Do my colleagues know why? Because that Federal land employs people. That Federal land not only has Federal employees who pay taxes and their kids go to school, they pay those fees, the in lieu fees, but there are the recreational activities that come off of that land that supported private businesses.

When I go down the Salmon River in Idaho, I see a lot of people making money off the boaters, staying in hotels, eating in the restaurants there before they go on the river and after they come out. Do we want to abandon that as an Idaho asset and say we cannot add to that without the permission of the State legislature? There is local control in the United States Congress. This is called the House of Representatives, because we represent small bodies of people and most of us are former State legislators.

The CHAIRMAN pro tempore. The gentleman from Idaho (Mr. SIMPSON) has 2½ minutes remaining; the gentleman from Alaska (Mr. YOUNG) has the right to close.

Mr. SIMPSON. Mr. Chairman, I yield myself such time as I may consume.

I would just like to point out that this does not affect the State of California and it does not affect the State of Washington, but I appreciate the gentleman's input. What it does affect is those States that already have 50 percent Federal land.

Really what we are saying is, how much is enough Federal land? I think 65 percent of the State of Idaho being controlled by the Federal Government is enough. The people of Idaho think it is enough. In fact, we have legislation now that we are trying to work on and we will try to get through Congress that will allow the State of Idaho to manage some of those Federal lands because we are fed up with the Federal Government's management of those Federal lands.

Mr. Chairman, to tell the truth, all this does is, it does not say that one cannot buy the land, it just says that one has to have the approval of the State legislature or a no-net gain, and if somebody out there has 20 acres or 40 acres, as the gentleman from Washington suggested, is he trying to tell me that in the 34 million acres, 34 million acres that the Federal Government currently owns in Idaho, they cannot say, well, here is 40 acres we can surrender to make this deal?

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

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

Mr. INSLEE. Mr. Chairman, I think the crux of the problem is, who really in America ought to make that decision of whether that next 40 acres goes into a reserve or goes to something else. Let me suggest to my colleague that what I am saying tonight is that is not a decision for the gentleman from Idaho to make, it is not a decision for me to make. It is a decision for the property owner who should be given the right, on a willing and consensual basis, to sell it to whomever he wants, the YMCA, a church, Federal Government, the State. But that is a decision by the property owner.

What I am trying to say is that the gentleman's amendment unfortunately strikes at that basic American principle for him to decide what happens to that 40 acres.

Mr. SIMPSON. Mr. Chairman, reclaiming my time, I do not believe that is what it does. That individual can sell that land to who he wants to. There are private conservation groups and other groups that can acquire that land. It is only if the Federal Government, the Federal Government, with our tax dollars, tax dollars that have been taken out of our pockets, tax dollars, and I do not know where it says that the Federal Government has the right to take tax dollars from the citizens of this country and go out and purchase private land with it.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Chairman, I just have to make a comment as well about the concept of these Federal lands being so productive to employment.

The gentleman who went to the university, as I recall, as apparently been a long time going back through eastern Oregon and seeing mill after mill close, unemployment rates in some counties like Grant County in Oregon hit upwards of 20 percent because of the way the forests are being mismanaged today.

Mr. YOUNG of Alaska. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore. The gentleman from Alaska (Mr. YOUNG) has 3½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the remaining time.

In closing, I reluctantly oppose the amendment, but I understand why it should be defeated, and I urge the defeat of the amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Idaho (Mr. SIMPSON).

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SIMPSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Idaho (Mr. SIMPSON) will be postponed.

The Chair understands that Amendment No. 15 will not be offered.

It is now in order to consider Amendment No. 16 printed in House report 106–612.

AMENDMENT NO. 16 OFFERED BY MR. REGULA

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. REGULA:

Page 37, after line 11, insert the following: No amount may be apportioned under this paragraph to any State (herein referred to as an 'unfunded State') that has not established a dedicated State land acquisition fund that is funded through the State's budget process. The amount that would have been apportioned to any such unfunded State under this paragraph shall be reapportioned to other States in accordance with subparagraphs (A) and (B).

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Ohio (Mr. REGULA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

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

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to title II requiring States to have their own State-funded land acquisition budgets in order to receive funding under the Stateside Land and Water Conservation Fund.

While the current State conservation grants program provides matching grants to States and through States to local units of government for the acquisition and development of public

outdoor recreation areas in and other projects, the States often do not match these funds with direct funding. In fact, few States actually use State revenues for land acquisition.

According to a study by the Lincoln Institute of Land Policy, only 14 States fund these programs in their State budgets by direct appropriation. Many have special bond funds, lottery revenues, or even in-kind contributions in providing their required match.

This fact is especially disconcerting when we learn that every State in the Nation has a balanced budget and many actually have large budget surpluses, including California and Alaska, with $3 billion each as a surplus. The States stand to receive billions of dollars in Federal funding under the provisions of this bill for 15 years.

Mr. Chairman, my amendment simply requires that they match these State land acquisition funds with their own revenues. I urge my colleagues to support this amendment.

Basically, it makes the State responsible. If they are going to receive the Federal funds, they should have a program to match it with State revenues. Of course, if the purpose of this bill is to protect the resources, as we have heard over and over tonight, to enhance the States' ability to acquire and protect the land resources in each of the respective States, they would want to have their own money. It seems to me they would want to have a plan. I think this is a very reasonable amendment and ensures that there will be good management of the Federal dollars that would be available.

Mr. Chairman, I urge a ''yes'' vote for this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, am I correct in understanding that the purpose of the gentleman's amendment is to provide a means by which the State establishes where it is going to get the revenues from?

Mr. REGULA. Mr. Chairman, that is essentially right, that they have a system, and only 14 do, whereby they know where they are going to have their matching fund. Because we find many States want to use in-kind and all kinds of other various devices.

□ 0020

If really our mission is to protect resources for the public, we would want to have an assurance that the States would have a plan before they received the Federal monies.

Mr. GEORGE MILLER of California. Could the States if they wanted to in their normal budget process budget $50 million for matching land and water conservation funds? Would that be sufficient?

Mr. REGULA. I would not see any reason why they could not. They would have to have some kind of a plan, because they are going to get a check. We want to be sure that they will match that money with their own State funds. That of course doubles the amount that will be available.

Mr. GEORGE MILLER of California. If they said they wanted to set aside 10 percent of their lottery, that would not bother you, or set aside 5 percent of the general fund revenues, as long as they have a real dollar match, is what the gentleman is saying?

Mr. REGULA. What we are really saying is that they have to have created some type of fund. They can get the money for that from whatever source they choose, but they have to have a fund with the cash to match it.

Mr. GEORGE MILLER of California. So it is real money?

Mr. REGULA. Yes, real money they will get from the Federal Government. In effect, it doubles the impact of the money that comes from the Federal government.

Mr. GEORGE MILLER of California. Let me ask, that is an important point, that would not prohibit them from also using foundation money, if that was real money? In our case, we have some big foundations that are dedicated to land acquisition. If the State put up $10 million out of its acquisition fund that the gentleman talks about and that was going to matched with $10 million of local money, it would be all right?

Mr. REGULA. How does the gentleman define that?

Mr. GEORGE MILLER of California. A match from the State runs to the Federal government, but later if that money is used with foundation money, that is not a concern because the State put up real dollars to match the Federal share, is what you are after?

Mr. REGULA. I guess it is a matter of how we define ''foundation''. Is the foundation money State revenues?

Mr. GEORGE MILLER of California. No, no.

Mr. REGULA. What is the source of that?

Mr. GEORGE MILLER of California. Fortunately, some people are wealthy enough that they have created foundations. In our case, it is the Packard family.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Ohio's time has expired.

Who claims the time in opposition?

Mr. UDALL of New Mexico. Mr. Chairman, I claim the time in opposition, and yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

The CHAIRMAN pro tempore. The gentleman from California is recognized.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman is not specifying a specific mechanism by which the State does this. But what the gentleman is saying is, when it comes time to match the money, he expects the State to be there with real dollars, not funny dollars, someone else's dollars, so they place the same priority on this that we say we place on it?

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

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. That is exactly right, Mr. Chairman.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2½ minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I have just been following this conversation. I have an inquiry of the gentleman from California (Mr. GEORGE MILLER). I would like him to take the mike again.

If the gentleman's intent is, he objects to using land as to the matching of the Federal dollars?

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

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, that is correct. We object to in-kind.

Mr. YOUNG of Alaska. Or some other form of dollar amount that is not dollars. What the gentleman is asking, I do not think he wants them to put up a fund, but he has to have the money to match the matching grants in real dollars.

Mr. REGULA. If the gentleman will continue to yield, Mr. Chairman, we want to make sure that the State is putting in the same amount of cash that the Federal government is, so that we are doubling, in effect, the impact and preserving resources for the public.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman from California help me out on this? It goes back to the question.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Yes.

Mr. YOUNG of Alaska. If there was a Ford Foundation that gave the State money for a recreational project or acquisition of land, that money could be counted against the Federal dollars?

Mr. REGULA. If the gentleman will continue to yield, it depends how it is earmarked. If that money was given and became part of the State's assets or Treasury, then money is money.

Mr. GEORGE MILLER of California. In theory, the State could conceivably say, we are now going to create a pool of $10 million, and we are asking local governments or somebody else to put in $10 million. That is $20 million. They may be entitled under the State side for $10 and they would have that match.

The gentleman from Ohio is concerned, sometimes we get into these things and we go from real dollars to in-kind contributions to work efforts to sweat equity, and pretty soon what we really have is Federal dollars matching Federal dollars.

I think he wants a clarification that the State match is really a product of the State. We could talk about this later, about if they get it from private sources or not, but that it is real money. I do not think I have a problem with that. He is right.

Mr. YOUNG of Alaska. This is what I am leading up to. If the gentleman will just relax a moment, and he is not being mischievous, I hope, because on the surface, I do not see anything wrong with the amendment.

The CHAIRMAN pro tempore. The gentleman's time has expired.

The gentleman from New Mexico (Mr. UDALL) has 2 minutes remaining.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I would ask the gentleman from California (Mr. GEORGE MILLER) what we should do here.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I do not think I have a problem. I think there are some questions about the amendment, but what the gentleman has said, he is willing to work that out.

Different States have different mechanisms. I think what the gentleman from Ohio is saying is that he wants to see real money.

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

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. REGULA. If the gentleman will yield, Mr. Chairman, that is correct.

Mr. YOUNG of Alaska. Are we going to say we accept the amendment, or are we against the amendment?

Mr. GEORGE MILLER of California. . I think we should accept the amendment, but if the chairman would continue to work with us on this, obviously there are 50 different States with 50 different mechanisms.

Some States will raise the bond issue and make all that available for this purpose. That is an honest mechanism which is real money.

Mr. YOUNG of Alaska. Would that be agreeable with the chairman?

Mr. REGULA. I think we can work it out. Of course, even with the money in the Interior subcommittee, we require a match. Sometimes it gets into, we will put up a tennis court to match what the Federal government does. We want real money.

Mr. GEORGE MILLER of California. They go to another Federal program and get Federal dollars.

Mr. REGULA. Exactly. We will get it worked out.

Mr. YOUNG of Alaska. We have a problem, because Alaska cannot do a dedicated fund. That is under our Constitution. That is why I want to have the gentleman's agreement. Otherwise I will strip it out. I want the gentleman to work with us to try to solve this problem.

I am not in disagreement to what the gentleman is trying to do, but we do have that problem. Does the gentleman understand what I am saying?

Mr. REGULA. The gentleman can appropriate money.

Mr. YOUNG of Alaska. We cannot have a dedicated fund, in our Constitution. But if the gentleman will help me fix that problem, is what I am saying.

Mr. REGULA. I assume under the gentleman's bill he plans to have this money matched.

Mr. YOUNG of Alaska. Not through a dedicated process, but through an appropriation process in the legislature.

Mr. REGULA. How does the gentleman plan to do it?

Mr. YOUNG of Alaska. Through the legislature. If they do not match it, we do not get it.

Mr. REGULA. In other words, they would appropriate the money?

Mr. YOUNG of Alaska. Yes.

Mr. REGULA. I think we can agree on that.

Mr. YOUNG of Alaska. With that agreement, we will sit down and work this out. We will accept the amendment at this time with no vote, with that agreement.

The CHAIRMAN pro tempore. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Chair understands that amendment No. 17 will not be offered.

It is now in order to consider amendment No. 18 printed in House Report 106–612.

AMENDMENT NO. 18 OFFERED BY MR. KIND

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. KIND:

Page 42, line 14, strike ''and''.

Page 42, line 18, strike the period and insert ''; and''.

Page 42, after line 18, insert:

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

''(3) MONITORING AND DATA COLLECTION.—For establishing a sediment and nutrient monitoring network for the Upper Mississippi River Basin for the purpose of reducing sediment and nutrient loss, to be headquartered at the Upper Midwest Environmental Sciences Center in La Crosse, Wisconsin. The Secretary of the Interior shall establish guidelines for the effective design of data collection activities regarding sediment and nutrient monitoring, for the use of suitable and consistent methods for data collection, and for consistent reporting, data storage, and archiving practices. Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin shall be released to the public using generic station identifiers and location coordinates. In the case of a monitoring station located on private lands, information regarding the location of the station shall not be disseminated without the landowner's permission. The Secretary of the Interior shall establish the guidelines under subsection (a) in consultation with the Secretary of Agriculture and all entities known to be conducting sediment and nutrient monitoring in the Upper Mississippi River Basin. The non-Federal sponsors of the sediment and nutrient monitoring network shall be responsible for not less than 25 percent of the costs of maintaining the network. Up to 80 percent of the non-Federal share may be provided through in-kind contributions.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume.

I know the hour is late. I believe this is going to be the last amendment we will take up this evening. I will try to be quick. I hope a few people are up and listening concerning what I do for my labor of love for the Mississippi River.

Mr. Chairman, I anticipate entering into a colloquy at the end of my statement with the chairman of the Committee on Resources, and based on an understanding and agreement that we have reached, I will be asking for unanimous consent to withdraw this amendment.

Let me first say that the CARA bill that is before us today and tomorrow is extremely important for the conservation future of our Nation. For this reason, I am a strong supporter of the bill and voted for its passage as a member of the Committee on Resources.

CARA is a remarkable bill that will dramatically increase environmental and conservation efforts in all 50 States. The amendment that I am offering tonight addresses a very pressing conservation need regarding the upper Mississippi River Basin. The upper Mississippi River Basin is one of our Nation's great ecological and recreational treasures. Its rich wetlands and back woods serve as North America's largest migratory route. The region boasts tremendous diversity in animal and plant species.

□ 0030

Income from fishing hunting, boating and other recreational activities total roughly $1.2 billion annually and the area's tourist industries, much of which are centered on the river, contribute $6.6 billion to the region's economy. It is also the primary drinking source for 22 million Americans and the upper Mississippi River Refuge has more visitors every year than Yellowstone National Park.

Unfortunately, increasing soil erosion threatens this region and the wildlife habitat. For instance, soil erosion reduces the long-term sustainability and income of family farms and sediment is entering the river basin and costing the American taxpayers roughly $100 million each year in dredging costs alone.

One of the best ways to reduce sediment and nutrient losses from the landscape is to protect sensitive riparian areas through voluntary program for land purchases, conservation easements, and the implementation of best management practices, all fundamental components of the CARA bill.

Mr. Chairman, my amendment seeks to assist conservation planning in the region through the development of a scientific sediment and nutrient monitoring network. The goal of the network is to enable States and other governmental and nongovernmental entities to make better decisions about where to direct resources and to determine which conservation measures are most appropriate in the Mississippi River Basin.

The amendment I am proposing tonight is but a single component of a far larger basin initiative that I introduced earlier this year, H.R. 4013, ''The Upper Mississippi River Basin Conservation Act''. We have over 18 cosponsors from eight States.

H.R. 4013 establishes the monitoring network contained in my amendment here tonight, as well as a state-of-the-art computer modeling program to identify significant sources of sediments and nutrients. It provides grants and incentives to States and counties to implement best management practices and other innovative voluntary programs. It calls for increases in the USDA highly effective but underfunded land conservation programs. Finally, it contains data protection provisions designed to protect the privacy of individual landowners in the basin, which I know is very important to a lot of property rights advocates in this body.

The legislation relies entirely on voluntary programs and creates no new regulations. I believe this approach to watershed management is the wave of the future. It is proactive rather than reactive, seeking to stop harmful nutrients and sediments before they make it into the river basin, rather than relying on expensive cleanup and mitigation efforts after the fact.

The approach is basin wide rather than piecemeal, seeking to look at the entire ecosystem and develop management plans appropriate to a large-scale physical system. Finally, this approach relies on interagency and intergovernmental cooperation attempting to coordinate the diverse but sometimes fragmented conservation efforts of Federal, State, and local agencies, as well as non-governmental organizations.

Mr. Chairman, I urge support of H.R. 4013 and invite my colleagues to join me as a cosponsor of this important piece of legislation which will better protect ''America's river,'' the Mississippi River, and North America's largest migratory route.

Mr. Chairman, at this moment I would like to engage in a colloquy with the gentleman from Alaska (Mr. YOUNG), the chairman of my Committee on Resources.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. KIND. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I will be happy to engage in a colloquy with the gentleman.

Mr. KIND. Mr. Chairman, earlier this year, I know as the gentleman understands, I introduced H.R. 4013. It was referred to our Committee on Resources. The legislation authorizes the U.S. Geological Survey, an agency under the jurisdiction of our committee, to oversee a monitoring network and the modeling program in the upper Mississippi River Basin. And I know the gentleman is familiar with the legislation already.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. KIND) has expired.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND)

Mr. KIND. Mr. Chairman, I again yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will continue to yield, I am familiar with the gentleman's legislation and look forward to working with him and his staff on this measure.

Mr. KIND. Mr. Chairman, reclaiming my time, as the gentleman knows, H.R. 4013 has bipartisan support. It has also received the endorsement of a number of national and regional conservation outdoor recreation groups, farm, and environmental groups. And I am willing, based on that understanding and discussion that I have had with the gentleman and his staff, to, with unanimous consent, withdraw my amendment here tonight and work with the gentleman to establish a hearing on this important legislation some time prior to the August recess.

Mr. YOUNG of Alaska. I understand and appreciate the work that the gentleman has done on this measure and it is my intention that the appropriate subcommittee of the Committee on Resources will hold a public hearing on this prior to the August recess, especially this upcoming 2000 recess.

I compliment the gentleman on his good work. He has talked to me before tonight and I appreciate the gentleman withdrawing the amendment.

Mr. KIND. Mr. Chairman, with that assurance, I will ask unanimous consent to withdraw the amendment, and would also like to commend the gentleman from Alaska, the chairman of the Committee on Resources, and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for the hard work and effort that they have put in bringing together this wide political coalition that exists, I believe, for the CARA bill. I am a proud supporter of the bill, and I conclude by urging my colleagues to support H.R. 701 in final passage tomorrow.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REGULA) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. FATTAH (at the request of Mr. GEPHARDT) for before 5 p.m. today, on account of personal reasons.

Mr. WISE (at the request of Mr. GEPHARDT) for May 8 and the balance of the week, on account of personal reasons.

Mr. COBLE (at the request of Mr. ARMEY) for after 6:30 p.m. today and on May 11, on account of official business concerning his Intellectual Property Subcommittee.

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. UDALL of New Mexico) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on May 15 and 17.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes; to the Committee on Government Reform.

ADJOURNMENT

Mr. PEASE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 38 minutes a.m.), the House adjourned until today, Thursday, May 11, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7524. A letter from the Acting Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule—Load Forecasts (RIN: 0572–AB05) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7525. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Post-Loan Policies and Procedures for Insured Electric Loans—received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7526. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance Technical Correction [OPP–300960A; FRL–6551–9] received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7527. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ethoxylated Propoxylated (C12–C15) Alcohols; Tolerance Exemption, Technical Correction [OPP–300973A; FRL–6498–4] (RIN: 2070–AB78) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7528. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Food Distribution Programs; FDPIHO-Oklahoma Waiver Authority (RIN: 0584–AB56) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7529. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Requirements for Insurance (RIN: 3133–AC22) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7530. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7531. A letter from the General Counsel, National Credit Union Association, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7532. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F–0126] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7533. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills [AD-FRL–6570–4] (RIN: 2060–AC42) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7534. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the California State Implementation Plan, Santa Barbara County Air Pollution Contol District [CA 236–0225a; FRL–6569–5] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7535. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL–6570–2] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7536. 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 Plans; California State Implementation Plan Revision Sacramento Metropolitan Air Quality Management District, San Diego County, San Joaquin Valley Unified, and Ventura County Air Pollution Control Districts [CA–157–0222, FRL–6569–9] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7537. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 11–99 which constitutes a Request for Final Approval for the Memorandum of Understanding with the United Kingdom concerning Cooperation, Operation and Support of the Apache Attack Helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7538. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fisherey Management Plan [Docket No. 990713189–9335–02; I.D. 060899B] (RIN: 0648–AK79) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7539. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 35, 35A, 36, 36A, 55, 55B, and 55C Airplanes [Docket No. 99–NM–311–AD; Amendment 39–11649; AD 95–19–04 R1] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7540. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Norwalk River, CT [CGD01–00–014] received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7541. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Fort Lauderdale, Florida [COTP Miami 00–030] (RIN: 2115–AA97) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7542. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Hellicopter Textron Canada Model 407 Helicopters [Docket No. 99–SW–75–AD; Amendment 39–11651; AD 2000–06–10] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7543. 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–185–AD; Amendment 39–11648; AD 2000–06–08] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7544. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–2, -2A, -2B, -3, -3B, and -3C Series Turbofan Engines [Docket No. 99–NE–57–AD; Amendment 39–11632; AD 2000–05–22] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7545. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Astra SPX Series Airplanes [Docket No. 99–NM–256–AD; Amendment 39–11587; AD 2000–04–05] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7546. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the Water Quality Planning and Management Regulation Listing Requirements [FRL–6569–7] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7547. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Kerosene Tax; Aviation Fuel Tax; Taxable Fuel Measurement and Reporting; Tax on Heavy Trucks and Trailers; Highway Vehicle Use Tax [TD 8879] (RIN: 1545–AV71; RIN: 1545–AT18) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7548. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Minimum Funding Standards [Rev. Ruling 2000–20] received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7549. A letter from the Regulations Officer, Social Security Administration, Social Security Administration, transmitting the Administration's final rule—CFR Corrections (RIN: 0960–AF04) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7550. A letter from the Under Secretary, Acquistion and Technology, Department of Defense, transmitting the annual reports that set out the current amount of outstanding contingent liabilities of the United States for vessels insured under the authority of Title XII of the Merchant Marine Act of 1936, and for aircraft insured under the authority of chapter 433 of title 49, United States Code, pursuant to Public Law 104—201, section 1079(a) (110 Stat. 2670); jointly to the Committees on Armed Services and Transportation and Infrastructure.

7551. A letter from the Secretary of Health of Human Services, transmitting the IHS National Diabetes Program Special Program for Indians; jointly to the Committees on Commerce and Resources.

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. GOSS: Committee on Rules. House Resolution 499. Resolution providing for consideration of the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes (Rept. 106–613). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EHLERS (for himself and Mr. SENSENBRENNER):

H.R. 4414. A bill to amend the Metric Conversion Act of 1975 to require Federal agencies to impose certain requirements on recipients of awards for scientific and engeneering research; to the Committee on Science.

By Mr. ACKERMAN (for himself and Mr. SHAYS):

H.R. 4415. A bill to amend the Animal Welfare Act to require humane living conditions for calves raised for the production of veal; to the Committee on Agriculture.

By Mr. DAVIS of Illinois:

H.R. 4416. A bill to amend title XIX of the Social Security Act to provide for coverage of community-based attendant services and supports under the Medicare Program; to the Committee on Commerce.

By Mr. GEJDENSON (for himself, Mr. GOODLATTE, Mr. MENENDEZ, Mr. MANZULLO, Mr. BERMAN, Mr. ACKERMAN, and Mr. WEXLER):

H.R. 4417. A bill to provide that the Secretary of Commerce have control over exports of satellites and related items, to provide certain procedures for exports of satellites and related items to the People's Republic of China, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Armed Services, 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. JONES of North Carolina (for himself, Mr. STENHOLM, and Mr. THUNE):

H.R. 4418. A bill to make various improvements in the military health care system with respect to the TRICARE program; to the Committee on Armed Services.

By Mr. LEACH (for himself, Mr. LAFALCE, and Mr. BAKER):

H.R. 4419. A bill to prevent the use of certain bank instruments for Internet gambling, and for other purposes; to the Committee on Banking and Financial Services, 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. MURTHA:

H.R. 4420. A bill to reauthorize the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes; to the Committee on Resources.

By Mr. WATKINS:

H.R. 4421. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion of gain on sale of a principal residence shall apply to certain farmland sold with the principal residence; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. ARCHER, and Mr. BENTSEN):

H. Con. Res. 321. Concurrent resolution urging increased Federal funding for juvenile (Type 1) diabetes research; to the Committee on Commerce.

By Mr. GILMAN (for himself and Mr. HASTINGS of Florida):

H. Res. 500. A resolution expressing the sence of the House of Representatives concerning the violence, breakdown of rule of law, and troubled pre-election period in the Republic of Zimbabwe; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. COX introduced A bill (H.R. 4422) for the relief of Vijai Rajan; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 61: Mr. LAFALCE.
H.R. 106: Mr. VITTER.
H.R. 218: Mr. GALLEGLY.
H.R. 284: Mr. SHERMAN.
H.R. 460: Ms. KAPTUR, Mr. WYNN, Ms. MILLENDER-MCDONALD, Mr. ENGEL, and Mr. STARK.
H.R. 469: Mr. DEUTSCH.
H.R. 488: Ms. DEGETTE.
H.R. 531: Mr. BALLENGER.
H.R. 632: Mr. DAVIS of Illinois.
H.R. 721: Mr. BOEHLERT.
H.R. 829: Mr. KUCINICH and Mr. SHAYS.
H.R. 896: Mr. HASTINGS of Washington.
H.R. 979: Ms. SANCHEZ and Mr. REYES.
H.R. 1063: Mr. PRICE of North Carolina and Mr. DEAL of Georgia.
H.R. 1070: Mr. MCINNIS and Mr. PEASE.
H.R. 1093: Mr. ORTIZ.
H.R. 1112: Ms. DELAURO.
H.R. 1322: Mr. FOLEY, Mr. DUNCAN, Mr. FRANKS of New Jersey, Mr. RYUN of Kansas, Mr. SKEEN, and Mr. SPENCE.
H.R. 1382: Mr. FORBES.
H.R. 1621: Mr. HOEFFEL.
H.R. 1634: Mr. DICKEY, Mr. PICKERING, Mr. SWEENEY, Mr. BARRETT of Nebraska, Mr. TERRY, and Mr. WICKER.
H.R. 1775: Mr. KIND.
H.R. 1795: Mr. STARK, Mr. COMBEST, Mr. PALLONE, and Mr. HOLT.
H.R. 1824: Mr. PRICE of North Carolina.
H.R. 2318: Mr. CALVERT.
H.R. 2355: Ms. VELAZQUEZ.
H.R. 2362: Mr. WALDEN of Oregon.
H.R. 2397: Mr. POMEROY.
H.R. 2562: Mr. WAMP and Mr. FORBES.
H.R. 2571: Mr. BORSKI.
H.R. 2613: Mr. COOK. Mr. BARRETT of Nebraska, Mr. MOORE, Mr. TALENT, Mr. CALVERT, Mr. LEWIS of Kentucky, and Mr. SOUDER.
H.R. 2631: Mr. KING.
H.R. 2706: Mr. DAVIS of Illinois.
H.R. 2722: Mr. BACA, Mr. MARKEY, and Mr. TOWNS.
H.R. 2768: Mr. BARR of Georgia.
H.R. 2817: Mr. ENGEL.
H.R. 2856: Mr. HALL of Ohio.
H.R. 2892: Mr. SHOWS.
H.R. 2987: Mr. KUYKENDALL, Mrs. BONO, Mr. WALDEN of Oregon, and Mr. BUYER.
H.R. 3125: Mr. FLETCHER, Mr. GOODLING, Mr. HASTINGS of Florida, and Mr. WHITFIELD.
H.R. 3193: Mr. WATKINS.
H.R. 3235: Mr. ACKERMAN and Mr. THOMPSON of California.
H.R. 3240: Mr. WELDON of Florida.
H.R. 3288: Mr. SKEEN.
H.R. 3306: Mr. BARR of Georgia.
H.R. 3405: Mr. NORWOOD, Mrs. KELLY, and Mr. BLAGOJEVICH.
H.R. 3433: Mr. BONIOR, Mr. FILNER, Mr. RODRIGUEZ, Mr. MEEHAN, Mrs. MCCARTHY of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. HILLEARY, Mr. HORN, Mr. SHERMAN, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. ENGEL, Mr. PHELPS, and Ms. RIVERS.
H.R. 3463: Mr. BROWN of Ohio.
H.R. 3500: Mr. BACA, Ms. CARSON, and Mr. ABERCROMBIE.
H.R. 3504: Mr. GUTIERREZ.
H.R. 3535: Mr. UDALL of Colorado, Mr. METCALF, and Ms. WOOLSEY.
H.R. 3540: Mr. HEFLEY.
H.R. 3580: Mrs. BIGGERT, Mr. FLETCHER, Mr. HUTCHINSON, Mr. MATSUI, Mr. BALLENGER, Mr. CLYBURN, Mr. MORAN of Virginia, Mr. SHAW, Ms. MCCARTHY of Missouri, Mr. LARSON, and Mr. BAKER.
H.R. 3625: Mr. HANSEN, Mr. SHERWOOD, Mr. BLILEY, Mr. DIAZ-BALART, Mr. BACHUS, Mr. GREEN of Wisconsin, Mr. NUSSLE, Mr. GOODLATTE, Mr. CANNON, Mr. MICA, Mr. SIMPSON, Mr. TERRY, Mrs. FOWLER, Mr. STEARNS, Mr. TURNER, Mr. EWING, Mr. PETRI, Mr. PETERSON of Pennsylvania, Mr. LINDER, Mr. SALMON, Mr. GIBBONS, Mr. HOBSON, Mr. BOYD, Mr. SHIMKUS, Mr. GILLMOR, Mr. RADANOVICH, Mr. GEKAS, Mr. BALLENGER, Mr. JONES of North Carolina, Mr. CRANE, Mr. BARTON of Texas, Mr. SOUDER, Mr. CALVERT, Mr. HASTINGS of Washington, Mr. HALL of Texas, Mr. RYUN of Kansas, and Mr. MORAN of Kansas.
H.R. 3634: Mr. BROWN of Ohio and Mr. DAVIS of Illinois.
H.R. 3677: Mr. CAMPBELL.
H.R. 3679: Mr. ARMEY, Mr. BARCIA, Mr. BARR of Georgia, Mr. BOYD, Mr. CAMP, Ms. KILPATRICK, Mr. COLLINS, Mr. FORD, Mr. FROST, Mr. GALLEGLY, Mr. GEJDENSON, Mr. GILLMOR, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HOBSON, Ms. HOOLEY of Oregon, Mr. HUNTER, Mr. ISAKSON, Mrs. JONES of Ohio, Mr. LARGENT, Mr. LEWIS of Georgia, Mr. LINDER, Mr. LUCAS of Kentucky, Mr. MCINTYRE, Ms. MCKINNEY, Mr. MOORE, Mr. PHELPS, Mr. RAMSTAD, Mr. REGULA, Mr. RILEY, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SMITH of Michigan, Mr. SNYDER, Mr. TANCREDO, Mr. TANNER, Mr. TRAFICANT, Mr. UPTON, Mr. WHITFIELD, Ms. KAPTUR, Mrs. NORTHUP, Mr. OSE, Mr. SCARBOROUGH, Mr. SHAYS, Mr. HEFLEY, Mr. CONYERS, Mr. DEFAZIO, Mr. GUTKNECHT, Mr. FRANK of Massachusetts, Mr. GOODE, Mrs. CLAYTON, Mr.

NEAL of Massachusetts, Mr. MOLLOHAN, Ms. JACKSON-LEE of Texas, Mr. WELDON of Pennsylvania, and Mr. ACKERMAN.

H.R. 3680: Mr. GONZALEZ, Mr. MCINTOSH, Mrs. BONO, Mr. PRICE of North Carolina, Mr. HOEFFEL, Mr. LEACH, Mr. KUYKENDALL, Mr. TANCREDO, Mr. WU, and Ms. MILLENDER-MCDONALD.

H.R. 3688: Ms. SANCHEZ, Mr. BACA, Mr. BROWN of Ohio, Ms. BERKLEY, Mr. WEYGAND, Mr. POMEROY, Mr. EDWARDS, Mr. VENTO, Ms. WATERS, Mr. BAIRD, Mr. SAWYER, Ms. KILPATRICK, Mr. CRAMER, Mr. LUCAS of Kentucky, and Mr. CONDIT.

H.R. 3765: Mr. MOLLOHAN.

H.R. 3842: Mr. PETRI, Mr. CRAMER, Mr. UDALL of Colorado, Mr. PASCRELL, and Mr. BOSWELL.

H.R. 3880: Mr. MCKEON.

H.R. 3887: Mr. ROMERO-BARCELO, Mr. FILNER, and Mr. WAXMAN.

H.R. 3892: Mr. HOLT.

H.R. 3894: Mr. HOLT.

H.R. 3916: Mr. FRANKS of New Jersey and Mr. PALLONE.

H.R. 3983: Mr. MCINTOSH, Mr. MEEKS of New York, and Mr. NADLER.

H.R. 4001: Mrs. MINK of Hawaii and Ms. CARSON.

H.R. 4013: Mr. JEFFERSON and Mr. BOSWELL.

H.R. 4034: Mr. FRANK of Massachusetts.

H.R. 4064: Mr. GREEN of Wisconsin.

H.R. 4076: Mr. SAXTON.

H.R. 4106. Mr. ETHERIDGE.

H.R. 4113: Mr. CANNON, Mr. WALDEN of Oregon, and Mr. HOEFFEL.

H.R. 4211: Mr. UDALL of Colorado, Ms. BALDWIN, Mr. BRADY of Pennsylvania, Ms. LEE, Ms. SLAUGHTER, Mr. BLAGOJEVICH, Mrs. THURMAN, Mr. ACKERMAN, and Mr. ROTHMAN.

H.R. 4213: Mr. METCALF, Mr. CHABOT, and Mr. GREEN of Wisconsin.

H.R. 4215: Mr. GALLEGLY.

H.R. 4271: Ms. LEE, Mrs. JOHNSON of Connecticut, Mr. CALVERT, Mrs. MORELLA, and Mr. BACA.

H.R. 4272: Mrs. JOHNSON of Connecticut, Mr. CALVERT, Mrs. MORELLA, and Mr. BACA.

H.R. 4273: Mr. CALVERT, Mrs. MORELLA, and Mr. BACA.

H.R. 4274: Mr. MCCRERY, Mr. DIAZ-BALART, Mr. FOLEY, Mr. TERRY, Mr. SIMPSON, Mr. ROGAN, Mr. PETERSON of Pennsylvania, Mr. CHABOT, and Mr. BOEHLERT.

H.R. 4346. Mr. BERRY, Ms. BROWN of Florida, Mr. ENGEL, and Mr. KENNEDY of Rhode Island.

H.R. 4357: Mr. DEFAZIO, Mr. LEWIS of Georgia, Ms. HOOLEY of Oregon, Mr. DEAL of Georgia, Mr. MCNULTY, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, and Mrs. KELLY.

H.R. 4385: Mr. KUCINICH.

H.J. Res. 98: Mr. JEFFERSON, Mr. CUMMINGS, Mr. PETRI, Mr. UNDERWOOD, and Mr. BALDACCI.

H. Con. Res. 253: Mr. MORAN of Kansas.

H. Con. Res. 285: Mr. UNDERWOOD, Ms. MILLENDER-MCDONALD, and Mr. BAIRD.

H. Con. Res. 286: Mr. DOYLE.

H. Con. Res. 297: Mr. DOYLE.

H. Con. Res. 319: Mr. ROYCE.

H. Res. 495: Mr. GILLMOR.

H. Res. 498: Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Mr. PORTER, Mr. FRANKS of New Jersey, and Mr. CROWLEY.